

1 AN ACT relating to consolidated local governments.

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

3 ➔Section 1. KRS 67C.103 is amended to read as follows:

- 4 (1) The legislative authority of a consolidated local government, except as otherwise  
5 specified in KRS 67C.101 to 67C.137, shall be vested in a consolidated local  
6 government council. The members of the council shall be nominated and elected by  
7 district. There shall be only one (1) council member elected from each council  
8 district.
- 9 (2) There shall be twenty-six (26) council districts. The initial boundaries, population,  
10 and numerical designation of the council districts shall be as specified by KRS  
11 67C.135. The population of the council districts shall be as nearly equal as is  
12 reasonably possible. For any newly consolidated local governments whose officials  
13 take office in 2003, upon taking office, the legislative council may take action to  
14 adjust the boundaries and population of the districts in order to equalize the  
15 population of the districts which may have changed as a result of recent census  
16 information. Any changes made to alter the boundaries of council districts shall be  
17 based on the population of the county as determined by the most recent United  
18 States Census or official census estimates as provided by the United States Bureau  
19 of the Census.
- 20 (3) Following the official publication of each decennial census by the United States  
21 Bureau of the Census for the area embraced by a consolidated local government, the  
22 council shall adopt an ordinance, if necessary, to redistrict the council districts. A  
23 redistricting ordinance shall provide for the distribution of population among the  
24 council districts as nearly equal as is reasonably possible. Every council district shall  
25 be compact and contiguous and shall respect existing neighborhood, community, and  
26 city boundaries whenever possible.
- 27 (4) The consolidated local government council members shall serve for a term of four

1 (4) years beginning on the first Monday in January following their election, except  
2 that the initial election of council members shall be in a manner as to provide for  
3 staggered terms for council members. At the initial election of the members of a  
4 consolidated local government council, those representing even-numbered districts  
5 shall be elected for a two (2) year term. Those representing odd-numbered districts  
6 shall be elected for a four (4) year term. Thereafter, all council members shall be  
7 elected for four (4) year terms.

8 (5) The members of a consolidated local government council shall be nominated and  
9 elected from the district in which they reside in partisan elections. After the initial  
10 terms of office of the first elected council members, council members shall be elected  
11 in the same election years as other local government officials as regulated by the  
12 regular election laws of the Commonwealth and as provided in subsection (4) of this  
13 section.

14 (6) No person shall be eligible to serve as a member of a consolidated local government  
15 council unless he or she is at least eighteen (18) years old, a qualified voter, and a  
16 resident within the territory of the consolidated local government and the district  
17 that he or she seeks to represent for at least one (1) year immediately prior to the  
18 person's election. A council member shall continue to reside within the district from  
19 which he or she was elected throughout the term of office.

20 (7) The presiding officer of a consolidated local government council shall be a president  
21 who shall be chosen annually by a majority vote of the entire council from among its  
22 members at the first meeting of the council in January. The council president has the  
23 right to introduce any resolution or recommend any ordinance and shall be entitled  
24 to vote on all matters.

25 (8) The consolidated local government council shall upon notice meet within seven (7)  
26 days after its members have taken office, and shall thereafter hold at least one (1)  
27 regular meeting per month. No newspaper notice shall be required for regular or

1 special meetings of the consolidated local government council. However, notice of  
2 all meetings of the council and all meetings of committees of the council shall be held  
3 pursuant to KRS 61.805 to 61.850.

4 (9) A majority of the members of the consolidated local government council shall  
5 constitute a quorum, but a smaller number may adjourn from day to day. The  
6 consolidated local government council may enforce the attendance of members by  
7 rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the  
8 entire membership of the council may call a special meeting at any time. Meetings  
9 shall be held in such places in the county as are provided by ordinance, and the place  
10 of meetings shall not be changed except by an ordinance for which two-thirds (2/3)  
11 of the members of the consolidated local government council have voted.

12 (10) The council shall determine its own rules and order of business, and keep and  
13 provide a public record of its proceedings. The council shall provide for the  
14 publication of all ordinances in a composite code of ordinances.

15 (11) Council ordinances that prescribe penalties for their violation shall be enforced  
16 through the entire area of the consolidated local government unless:

17 (a) Otherwise provided by statute; or

18 (b) The legislative body of any city within the consolidated local government area  
19 has adopted an ordinance pertaining to the same subject matter that is the same  
20 as or more stringent than the standards set forth in the consolidated local  
21 government's ordinance.

22 (12) In the case of a vacancy on the consolidated local government council by reason of  
23 death, resignation, or removal:

24 (a) A special election shall be held to complete the term of office for the  
25 vacated seat. This special election shall occur within sixty (60) days of a  
26 declaration of the vacancy.

27 (b) The consolidated local government council may reimburse the county clerk

1 *for the costs of this special election, in whole or in part*

2 ~~[, the council by majority vote of the membership of the council shall elect a~~  
3 ~~qualified resident of the council district not later than thirty (30) days after the~~  
4 ~~date the vacancy occurs. Should the council fail to elect, by majority vote of~~  
5 ~~the membership of the council, a qualified person to fill the vacancy within~~  
6 ~~thirty (30) days, the mayor of the consolidated local government shall fill the~~  
7 ~~vacancy by appointment of a qualified person for the unexpired term].~~

8 (13) All legislative powers of a consolidated local government are vested in the  
9 consolidated local government council. The term "legislative power" is to be  
10 construed broadly and shall include the power to:

- 11 (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by
- 12 a two-thirds (2/3) majority of the membership of the legislative council;
- 13 (b) Review the budgets of and appropriate money to the consolidated local
- 14 government;
- 15 (c) Adopt a budget ordinance;
- 16 (d) Levy taxes, subject to the limitations of the Constitution and the laws of the
- 17 Commonwealth of Kentucky;
- 18 (e) Establish standing and temporary committees; and
- 19 (f) Make independent audits and investigations concerning the affairs of the
- 20 consolidated local government and any board or commission that:

- 21 1. Is composed of members who are appointed by the mayor and approved
- 22 by the legislative council; or
- 23 2. Has a budget that is equal to or greater than one million dollars
- 24 (\$1,000,000.00), except that this subparagraph shall not apply to any fee
- 25 officer elected within the consolidated local government.

26 (14) (a) The consolidated local government council shall establish a Government  
27 Oversight and Audit Committee. This committee shall be:

- 1           1.    Composed of members from each of the two (2) largest political  
2                    caucuses in the legislative council;
- 3           2.    Appointed by the chairs of their respective caucuses; and
- 4           3.    Composed on the basis of the proportion of each of the two (2) caucuses'  
5                    total membership as compared to the total membership of the legislative  
6                    council. Any fractional proportions shall be rounded in the favor of the  
7                    smallest caucus' membership on the committee.
- 8           (b)   The committee shall have the power to:
  - 9                   1.    Compel testimony and the submission of work papers or documents;
  - 10                   2.   Issue subpoenas to compel any officer of or appointee to a board or  
11                    commission described in subsection (13)(f) of this section or any  
12                    department or division of the consolidated local government to appear  
13                    before the committee and to compel the submission to the committee of  
14                    any work papers or documents pertinent to an independent audit or  
15                    investigation. Any subpoenas issued or testimony compelled shall be  
16                    subject to any relevant statutes concerning privacy. Testimony subject to  
17                    KRS 61.810 shall only be taken in executive session. The right to privacy  
18                    or the requirement that testimony be taken in executive session may be  
19                    waived by the person or entity being subpoenaed or compelled to testify;
  - 20                   3.    Petition the appropriate Circuit Court to compel obedience by  
21                    proceedings for contempt as in the case of disobedience of a subpoena  
22                    issued from the Circuit Court or a refusal to testify therein, if any officer  
23                    or appointee fails or refuses to testify or furnish the work papers or  
24                    documents subpoenaed;
  - 25                   4.    Administer oaths to witnesses appearing before the committee when the  
26                    committee deems the administration of an oath necessary and advisable  
27                    as provided by law. This decision to administer oaths shall be taken by a

- 1                   majority vote of the committee of the legislative council; and
- 2           5.   Recommend the removal of any appointee to a board or commission
- 3                   described in subsection (13)(f) of this section.
- 4           (c)   The legislative council of the consolidated local government shall adopt by
- 5                   resolution any process or procedures deemed necessary for the administration
- 6                   of subpoenas and oaths.
- 7           (d)   The legislative council of the consolidated local government may only act to
- 8                   remove an appointee to a board or commission described in subsection (13)(f)
- 9                   of this section upon the recommendation of the Government Oversight and
- 10                  Audit Committee.
- 11           (e)   The Government Oversight and Audit Committee shall have the power to issue
- 12                   subpoenas or administer oaths. Except as provided in KRS 65.003(7), the
- 13                   legislative council of the consolidated local government shall not delegate
- 14                   those powers to any other entity or entities not a part of the legislative council
- 15                   of the consolidated local government.
- 16   (15)   The consolidated local government council shall be known as the legislative council
- 17           of ...../..... County Metro Government, which shall be a
- 18           combination of the names of the largest city in existence in the county on the date of
- 19           the adoption of the consolidated local government and the county.