

1 AN ACT relating to the usage of legal counsel by consolidated local government
2 councils.

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

4 ➔Section 1. KRS 67C.115 is amended to read as follows:

- 5 (1) Upon the successful passage of the question to consolidate a city of the first class
6 and its county, all ordinances and resolutions of the previously existing city of the
7 first class and all ordinances and resolutions of the county shall become effective
8 ordinances and resolutions of the consolidated local government until repealed,
9 modified, or amended in accordance with the following order of precedence:
- 10 (a) If a city ordinance conflicts with a county ordinance, the county ordinance
11 shall prevail and shall become effective countywide; and
- 12 (b) If a city ordinance addresses a subject matter not addressed by a county
13 ordinance, the city ordinance shall become effective countywide; and
- 14 (c) If a county ordinance addresses a subject matter not addressed by a city
15 ordinance, the county ordinance shall become effective countywide.

16 Notwithstanding paragraph (a) of this subsection and in the event a uniform land
17 development code has not been jointly adopted by the city and county prior to the
18 effective date of a consolidated local government, the historic preservation and
19 landmarks ordinances, and the zoning regulations of the city adopted pursuant to
20 KRS Chapter 100, shall prevail and become effective countywide.

- 21 (2) Ordinances and resolutions of either the city of the first class or its county in
22 existence on the effective date of a local government consolidation which conflict
23 with other provisions of this chapter shall be void. Except as provided in KRS
24 67C.123(3), any ordinance, resolution, or order in effect in a city of the first class or
25 its county on the date a consolidated local government takes effect shall expire five
26 (5) years from that date unless amended or reenacted by the consolidated local
27 government.

- 1 (3) All ordinances of the city and county creating agencies and boards and interlocal
2 agreements shall survive and be deemed reenacted by the council. All members may
3 serve the balance of the terms to which they were appointed and until their
4 successors are appointed and duly qualified according to law.
- 5 (4) For purposes of this section, a conflict shall be deemed to exist between ordinances
6 or resolutions, or the provisions of this chapter, where any rights, remedies,
7 entitlements, or the enforcement thereof cannot reasonably be reconciled.
- 8 (5) The county attorney shall serve as the legal advisor and representative to the
9 consolidated local government and except for those duties pertaining to fiscal court
10 set forth in KRS 69.210, the county attorney shall retain and exercise all other
11 duties, powers, and rights delegated to that office by law. This subsection does not
12 prevent the consolidated local government council from retaining or otherwise
13 employing its own legal counsel and legal staff ~~solely~~ for advice, ~~and~~
14 ~~consultation,~~ and representation on all legal matters before the council as the
15 council determines should ~~it~~^{they} choose to do so.
- 16 (6) Wherever the words "county judge" or "county judge/executive" appear in any
17 resolution or ordinance in existence in a city of the first class or in a county
18 containing a city of the first class as of the effective date of the establishment of a
19 consolidated local government, they shall be deemed to mean the mayor of the
20 consolidated local government.