

1 AN ACT relating to consolidated local governments.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) For the purposes of this section "board" means a governmental body known as*  
6 *the civilian review and accountability board established by a consolidated local*  
7 *government in accordance with of this section.*

8 *(2) For the purposes of investigating and reviewing the policies, procedures, and*  
9 *operations of a consolidated local government's police department, and*  
10 *investigating complaints involving any member of the police in his or her*  
11 *interactions with the public, the consolidated local government may establish, by*  
12 *ordinance, a civilian review and accountability board to operate independently of*  
13 *the police department. This board shall include but not be limited to:*

14 *(a) An investigatory office to be led by an individual appointed by the mayor*  
15 *and confirmed by a resolution of the legislative body of the consolidated*  
16 *local government; and*

17 *(b) A board made up of residents of the county containing the consolidated*  
18 *local government to provide oversight to the leader of the investigatory*  
19 *office.*

20 *(3) For a board established under subsection (2) of this section, the ordinance shall*  
21 *include but not be limited to direction regarding each board's powers, duties,*  
22 *membership, internal protocols, and reporting requirements. The board may*  
23 *adopt bylaws, policies, and procedures to facilitate its operations that are not*  
24 *inconsistent with the direction outlined in the ordinance or with state law.*

25 *(4) (a) Notwithstanding any provision of law to the contrary, the portions of the*  
26 *board meetings during which a case is reviewed or discussed by board*  
27 *members may be a closed session, subject to KRS 61.815(1), and shall only*

1 occur following the conclusion of an open session. At the conclusion of the  
2 closed session, the board shall immediately convene an open session and  
3 give a summary of what occurred during the closed session.

4 (b) Information and record copies that are confidential under state or federal  
5 law and are provided to the board by any agency, organization, or entity for  
6 review shall not become the information and records of the panel and shall  
7 not lose their confidentiality by virtue of the board's access to the  
8 information and records. The original information and records used to  
9 generate information and record copies provided to the board shall be  
10 maintained by the appropriate agency in accordance with state and federal  
11 law and shall be subject to the Kentucky Open Records Act, KRS 61.870 to  
12 61.884. All open records requests shall be made to the appropriate agency,  
13 not to the board or any of the board members. Information and record  
14 copies provided to the board for review shall be exempt from the Kentucky  
15 Open Records Act, KRS 61.870 to 61.884. At the conclusion of the board's  
16 examination, all copies of information and records provided to the panel  
17 involving an individual case shall be destroyed by the board.

18 (c) The proceedings, records, opinions, and deliberations of the board  
19 established in subsection (2) of this section shall be privileged and shall not  
20 be subject to discovery, subpoena, or introduction into evidence in any civil  
21 action in any manner that would directly or indirectly identify specific  
22 persons or cases reviewed. Nothing in this subsection shall be construed to  
23 restrict or limit the right to discover or use in any civil action any evidence  
24 that is discoverable independent of the proceedings of the bodies.

25 (d) Upon a vote by a majority of the board, the board may request the  
26 Government Oversight and Audit Committee established in accordance with  
27 subsection (14) of Section 2 of this Act to:

- 1           1. Compel testimony and the submission of work papers or documents to  
2           the Government Oversight and Audit Committee;
- 3           2. Issue subpoenas to compel any officer of or appointee or any  
4           department or division of the consolidated local government to appear  
5           before the Government Oversight and Audit Committee and to compel  
6           the submission to the Government Oversight and Audit Committee of  
7           any work papers or documents pertinent to a review. The following  
8           shall apply to any subpoenas issued or testimony compelled:
- 9           a. Be subject to any relevant statutes concerning privacy;
- 10           b. The provisions of KRS 15.520 shall apply to any peace officer  
11           compelled to testify;
- 12           c. Any person who is represented by a recognized collective  
13           bargaining unit may have representatives of the collective  
14           bargaining unit present;
- 15           d. Any person compelled to testify shall be deemed to be subject to  
16           the Fifth and Fourteenth Amendments to the United States  
17           Constitution and may have legal counsel of his or her choice  
18           present;
- 19           e. Any testimony compelled in response to a subpoena shall be  
20           deemed coerced for the purposes of attaching self-incrimination  
21           protections;
- 22           f. Any testimony subject to KRS 61.810 shall only be taken in  
23           executive session; and
- 24           g. The right to privacy or the requirement that testimony be taken  
25           in executive session may be waived by the person or entity being  
26           subpoenaed or compelled to testify;
- 27           3. Petition the appropriate Circuit Court to compel obedience by

1                   *proceedings for contempt as in the case of disobedience of a subpoena*  
2                   *issued from the Circuit Court or a refusal to testify therein, if any*  
3                   *officer or appointee fails or refuses to testify or furnish the work*  
4                   *papers or documents subpoenaed; and*

5                   *4. Administer oaths to witnesses appearing before the Government*  
6                   *Oversight and Audit Committee when the Government Oversight and*  
7                   *Audit Committee deems the administration of an oath necessary and*  
8                   *advisable as provided by law.*

9                   *The Government Oversight and Audit Committee may turn over testimony*  
10                   *and work papers or documents secured to the board.*

11                   ➔Section 2. KRS 67C.103 is amended to read as follows:

12                   (1) The legislative authority of a consolidated local government, except as otherwise  
13                   specified in KRS 67C.101 to 67C.137, shall be vested in a consolidated local  
14                   government council. The members of the council shall be nominated and elected by  
15                   district. There shall be only one (1) council member elected from each council  
16                   district.

17                   (2) There shall be twenty-six (26) council districts. The initial boundaries, population,  
18                   and numerical designation of the council districts shall be as specified by KRS  
19                   67C.135. The population of the council districts shall be as nearly equal as is  
20                   reasonably possible. For any newly consolidated local governments whose officials  
21                   take office in 2003, upon taking office, the legislative council may take action to  
22                   adjust the boundaries and population of the districts in order to equalize the  
23                   population of the districts which may have changed as a result of recent census  
24                   information. Any changes made to alter the boundaries of council districts shall be  
25                   based on the population of the county as determined by the most recent United  
26                   States Census or official census estimates as provided by the United States Bureau  
27                   of the Census.

- 1 (3) Following the official publication of each decennial census by the United States  
2 Bureau of the Census for the area embraced by a consolidated local government, the  
3 council shall adopt an ordinance, if necessary, to redistrict the council districts. A  
4 redistricting ordinance shall provide for the distribution of population among the  
5 council districts as nearly equal as is reasonably possible. Every council district  
6 shall be compact and contiguous and shall respect existing neighborhood,  
7 community, and city boundaries whenever possible.
- 8 (4) The consolidated local government council members shall serve for a term of four  
9 (4) years beginning on the first Monday in January following their election, except  
10 that the initial election of council members shall be in a manner as to provide for  
11 staggered terms for council members. At the initial election of the members of a  
12 consolidated local government council, those representing even-numbered districts  
13 shall be elected for a two (2) year term. Those representing odd-numbered districts  
14 shall be elected for a four (4) year term. Thereafter, all council members shall be  
15 elected for four (4) year terms.
- 16 (5) The members of a consolidated local government council shall be nominated and  
17 elected from the district in which they reside in partisan elections. After the initial  
18 terms of office of the first elected council members, council members shall be  
19 elected in the same election years as other local government officials as regulated by  
20 the regular election laws of the Commonwealth and as provided in subsection (4) of  
21 this section.
- 22 (6) No person shall be eligible to serve as a member of a consolidated local government  
23 council unless he or she is at least eighteen (18) years old, a qualified voter, and a  
24 resident within the territory of the consolidated local government and the district  
25 that he or she seeks to represent for at least one (1) year immediately prior to the  
26 person's election. A council member shall continue to reside within the district from  
27 which he or she was elected throughout the term of office.

- 1 (7) The presiding officer of a consolidated local government council shall be a  
2 president who shall be chosen annually by a majority vote of the entire council from  
3 among its members at the first meeting of the council in January. The council  
4 president has the right to introduce any resolution or recommend any ordinance and  
5 shall be entitled to vote on all matters.
- 6 (8) The consolidated local government council shall upon notice meet within seven (7)  
7 days after its members have taken office, and shall thereafter hold at least one (1)  
8 regular meeting per month. No newspaper notice shall be required for regular or  
9 special meetings of the consolidated local government council. However, notice of  
10 all meetings of the council and all meetings of committees of the council shall be  
11 held pursuant to KRS 61.805 to 61.850.
- 12 (9) A majority of the members of the consolidated local government council shall  
13 constitute a quorum, but a smaller number may adjourn from day to day. The  
14 consolidated local government council may enforce the attendance of members by  
15 rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the  
16 entire membership of the council may call a special meeting at any time. Meetings  
17 shall be held in such places in the county as are provided by ordinance, and the  
18 place of meetings shall not be changed except by an ordinance for which two-thirds  
19 (2/3) of the members of the consolidated local government council have voted.
- 20 (10) The council shall determine its own rules and order of business, and keep and  
21 provide a public record of its proceedings. The council shall provide for the  
22 publication of all ordinances in a composite code of ordinances.
- 23 (11) Council ordinances that prescribe penalties for their violation shall be enforced  
24 through the entire area of the consolidated local government unless:
- 25 (a) Otherwise provided by statute; or
- 26 (b) The legislative body of any city within the consolidated local government area  
27 has adopted an ordinance pertaining to the same subject matter that is the

1 same as or more stringent than the standards set forth in the consolidated local  
2 government's ordinance.

3 (12) In the case of a vacancy on the consolidated local government council by reason of  
4 death, resignation, or removal, the council by majority vote of the membership of  
5 the council shall elect a qualified resident of the council district not later than thirty  
6 (30) days after the date the vacancy occurs. Should the council fail to elect, by  
7 majority vote of the membership of the council, a qualified person to fill the  
8 vacancy within thirty (30) days, the mayor of the consolidated local government  
9 shall fill the vacancy by appointment of a qualified person for the unexpired term.

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

13 (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by  
14 a two-thirds (2/3) majority of the membership of the legislative council;

15 (b) Review the budgets of and appropriate money to the consolidated local  
16 government;

17 (c) Adopt a budget ordinance;

18 (d) Levy taxes, subject to the limitations of the Constitution and the laws of the  
19 Commonwealth of Kentucky;

20 (e) Establish standing and temporary committees; and

21 (f) Make independent audits and investigations concerning the affairs of the  
22 consolidated local government and any board or commission that:

23 1. Is composed of members who are appointed by the mayor and approved  
24 by the legislative council; or

25 2. Has a budget that is equal to or greater than one million dollars  
26 (\$1,000,000.00), except that this subparagraph shall not apply to any fee  
27 officer elected within the consolidated local government.

- 1 (14) (a) The consolidated local government council shall establish a Government  
2 Oversight and Audit Committee. This committee shall be:
- 3 1. Composed of members from each of the two (2) largest political  
4 caucuses in the legislative council;
  - 5 2. Appointed by the chairs of their respective caucuses; and
  - 6 3. Composed on the basis of the proportion of each of the two (2) caucuses'  
7 total membership as compared to the total membership of the legislative  
8 council. Any fractional proportions shall be rounded in the favor of the  
9 smallest caucus' membership on the committee.
- 10 (b) The committee shall have the power to:
- 11 1. Compel testimony and the submission of work papers or documents;
  - 12 2. **Approve, prior to the offer of any:**
    - 13 **a. Legal or administrative settlements, not contained within the**  
14 **enacted budget ordinance, involving one million dollars**  
15 **(\$1,000,000) or greater; or**
    - 16 **b. Consent decrees offered to be entered into by the consolidated**  
17 **local government.**
- 18 **The committee's approval shall be in the form of a recommendation**  
19 **expressing acceptance of the settlement or consent decree offered by**  
20 **the consolidated local government. Notwithstanding any provision of**  
21 **law to the contrary, the portions of the committee meetings during**  
22 **which a settlement or consent decree is reviewed or discussed by**  
23 **committee members shall be a closed session, subject to KRS**  
24 **61.815(1), and shall only occur following the conclusion of an open**  
25 **session. At the conclusion of the closed session, the committee shall**  
26 **immediately convene an open session and give a summary of what**  
27 **occurred during the closed session.**



- 1           3. Issue subpoenas to compel any officer,~~[of or]~~ appointee, or former  
2           officer or appointee to a board or commission described in subsection  
3           (13)(f) of this section or any department or division of the consolidated  
4           local government to appear before the committee and to compel the  
5           submission to the committee of any work papers or documents pertinent  
6           to an independent audit or investigation. Any subpoenas issued or  
7           testimony compelled shall be subject to any relevant statutes concerning  
8           privacy. Testimony subject to KRS 61.810 shall only be taken in  
9           executive session. The right to privacy or the requirement that testimony  
10          be taken in executive session may be waived by the person or entity  
11          being subpoenaed or compelled to testify;
- 12          ~~4[3].~~ Petition the appropriate Circuit Court to compel obedience by  
13          proceedings for contempt as in the case of disobedience of a subpoena  
14          issued from the Circuit Court or a refusal to testify therein, if any officer  
15          or appointee fails or refuses to testify or furnish the work papers or  
16          documents subpoenaed;
- 17          ~~5[4].~~ Administer oaths to witnesses appearing before the committee when the  
18          committee deems the administration of an oath necessary and advisable  
19          as provided by law. This decision to administer oaths shall be taken by a  
20          majority vote of the committee of the legislative council; and
- 21          ~~6[5].~~ Recommend the removal of any appointee to a board or commission  
22          described in subsection (13)(f) of this section.
- 23          (c) The legislative council of the consolidated local government shall adopt by  
24          resolution any process or procedures deemed necessary for the administration  
25          of subpoenas and oaths.
- 26          (d) The legislative council of the consolidated local government may only act to  
27          remove an appointee to a board or commission described in subsection (13)(f)

1 of this section upon the recommendation of the Government Oversight and  
2 Audit Committee.

3 (e) The Government Oversight and Audit Committee shall have the power to  
4 issue subpoenas or administer oaths. Except as provided in **this section and**  
5 **KRS 67C.325**~~[65.003(7)]~~, the legislative council of the consolidated local  
6 government shall not delegate those powers to any other entity or entities not a  
7 part of the legislative council of the consolidated local government.

8 (15) The consolidated local government council shall be known as the legislative council  
9 of ...../..... County Metro Government, which shall be a  
10 combination of the names of the largest city in existence in the county on the date of  
11 the adoption of the consolidated local government and the county.

12 ➔Section 3. KRS 67C.105 is amended to read as follows:

13 (1) All executive and administrative power of the government shall be vested in the  
14 office of the mayor. The term "executive and administrative power" shall be  
15 construed broadly. The mayor shall be the chief executive of a consolidated local  
16 government formed under the provisions of KRS 67C.101 to 67C.137.

17 (2) (a) The mayor shall be ~~[nominated and]~~ elected in **nonpartisan**~~[partisan]~~  
18 elections **pursuant to KRS 83A.045(2), 83A.170, and 83A.175** for a term of  
19 four (4) years in the same election years as other local government officials as  
20 regulated by the regular election laws of the Commonwealth.

21 (b) The mayor shall assume office on the first Monday in January following his or  
22 her election. He or she shall serve until a successor qualifies.

23 (c) **After January 1, 2023,** the mayor may serve for no more than **two (2)**~~[three~~  
24 ~~(3)]~~ consecutive terms, after which time he or she shall be prohibited from  
25 running for election or being appointed as mayor for a period of at least four  
26 (4) years.

27 (3) The mayor shall be at least twenty-one (21) years old, a qualified voter, a member

1 of his or her political party, and a resident of the territory encompassing the  
2 consolidated local government for a period of at least one (1) year prior to his or her  
3 election as mayor. The mayor shall continue to reside within the geographic  
4 boundary of the consolidated local government throughout his or her term of office.

5 (4) Except as otherwise provided in KRS 67C.101 to 67C.137, the mayor shall have all  
6 the power and authority that the mayor of the city of the first class and the county  
7 judge/executive exercised under the Constitution and the general laws of the  
8 Commonwealth of Kentucky prior to the consolidation.

9 (5) The mayor is authorized to supervise, administer, and control all departments and  
10 agencies as may be created by KRS 67C.101 to 67C.137 or created by ordinance.  
11 The mayor shall appoint all department and agency directors. The appointees shall  
12 serve at the pleasure of the mayor. Specifically, the mayor shall:

13 (a) Prepare and submit an annual report coinciding with the fiscal year, on the  
14 state of the consolidated local government, to be presented at a public meeting  
15 of the council;

16 (b) Submit an annual budget no fewer than sixty (60) days prior to the end of the  
17 fiscal year;

18 (c) Oversee the administration and implementation of the adopted budget  
19 ordinance;

20 (d) Enforce the ordinances of the consolidated local government;

21 (e) Supervise all officers, agents, employees, cabinets, departments, offices,  
22 agencies, functions, and duties of the consolidated local government;

23 (f) Call special meetings of the consolidated local government council;

24 (g) Appoint and remove his or her own staff at his or her own pleasure;

25 (h) Execute written contracts, subscriptions, agreements, or obligations of the  
26 consolidated local government;

27 (i) Approve or veto ordinances and resolutions adopted by the consolidated local

1 government council;

2 (j) Submit any written contracts, subscriptions, agreements, or obligations  
3 exceeding the small purchase amount established pursuant to KRS 45A.385 in  
4 a resolution to the legislative council for its approval or its disapproval. Those  
5 written contracts, subscriptions, agreements, or obligations awarded to the  
6 lowest evaluated bid or proposal pursuant to KRS 45A.343 to 45A.460 shall  
7 be excluded, unless the legislative council changes the threshold for  
8 submission of a resolution. The legislative council may, by ordinance, set  
9 threshold amounts other than those established by KRS 45A.385 for the small  
10 purchases for submission of a resolution for its approval or disapproval; and

11 (k) Appoint a deputy mayor within seven (7) days of the mayor taking the oath of  
12 office and keep the office of deputy mayor filled throughout the mayor's term.

13 The deputy mayor shall:

- 14 1. Meet all the qualifications for mayor established pursuant to subsection  
15 (3) of this section;
- 16 2. Serve at the mayor's pleasure and may be replaced by the mayor for any  
17 cause; and
- 18 3. Have only the duties assigned to him or her by the mayor.

19 (6) (a) If the office of mayor becomes vacant by reason of death, resignation, or  
20 removal:

- 21 1. The deputy mayor shall become the temporary mayor, inheriting all  
22 powers and duties of the mayor;
- 23 2. The deputy mayor shall serve as temporary mayor for no more than  
24 thirty (30) days until the council, by a majority vote of the members of  
25 the council, shall elect a resident of the consolidated local government  
26 who meets the qualifications for mayor established pursuant to  
27 subsection (3) of this section to serve as mayor. The council may select

1 the temporary mayor for this position. If the legislative council fails to  
2 elect a person to fill the vacancy within thirty (30) days after the vacancy  
3 occurs, the Governor shall fill the vacancy in the office by appointment  
4 of a qualified person who is a resident of the consolidated local  
5 government and meets the qualifications for mayor established pursuant  
6 to subsection (3) of this section; and

7 3. The tenure of the gubernatorial appointment shall be governed by  
8 Section 152 of the Kentucky Constitution.

9 (b) If the offices of both the mayor and deputy mayor become vacant by reason of  
10 death, resignation, or removal:

11 1. The presiding officer of the consolidated local government council shall  
12 become the temporary mayor, inheriting all powers and duties of the  
13 mayor;

14 2. The presiding officer shall serve as temporary mayor for no more than  
15 thirty (30) days until the council shall, by a majority vote of the  
16 members of the council, elect a resident of the consolidated local  
17 government who meets the qualifications for mayor established pursuant  
18 to subsection (3) of this section. The council may select the temporary  
19 mayor for this position. If the legislative council fails to elect a person to  
20 fill the vacancy within thirty (30) days after the vacancy occurs, the  
21 Governor shall fill the vacancy in the office by appointment of a  
22 qualified person who is a resident of the consolidated local government  
23 and meets the qualifications for mayor established pursuant to  
24 subsection (3) of this section; and

25 3. The tenure of the gubernatorial appointment shall be governed by  
26 Section 152 of the Kentucky Constitution.

27 (7) The mayor of a consolidated local government shall be known as the mayor of

1 ...../..... County Metro Government, which shall be a combination  
2 of the names of the largest city in existence in the county on the date of the adoption  
3 of the consolidated local government and the county.

4 ➔Section 4. 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  
10 court, ~~set forth in KRS 69.210,~~ The county attorney shall retain and exercise all  
11 other duties, powers, and rights delegated to that office by law, **excluding the power**  
12 **to approve legislation prior to its consideration by the legislative body of the**  
13 **consolidated local government. The county attorney may provide an opinion on**  
14 **the form, legality, or constitutionality of any legislative action, but that opinion**  
15 **shall only be an advisory opinion.** This subsection does not prevent the  
16 consolidated local government council from retaining its own legal counsel solely  
17 for advice and consultation should they choose to do so.
- 18 (6) Wherever the words "county judge" or "county judge/executive" appear in any  
19 resolution or ordinance in existence in a city of the first class or in a county  
20 containing a city of the first class as of the effective date of the establishment of a  
21 consolidated local government, they shall be deemed to mean the mayor of the  
22 consolidated local government.

23 ➔Section 5. KRS 67C.139 is amended to read as follows:

24 If a cooperative compact exists between a city of the first class and its county prior to the  
25 creation of a consolidated local government, upon the establishment of the consolidated  
26 local government:

- 27 (1) (a) The mayor of the consolidated local government shall assume all appointment

1 authority previously held by the county judge/executive and the mayor of the  
 2 consolidating governments. Appointments made by the mayor should reflect  
 3 the political, geographic, gender, age, and racial diversity of the population  
 4 within the jurisdiction of the consolidated local government. Upon the  
 5 expiration of a term of appointment, the mayor shall make an appointment or  
 6 reappointment within ninety (90) days of the term's expiration.

7 (b) If the mayor fails to make an appointment within ninety (90) days, the  
 8 legislative council of the consolidated local government shall make the  
 9 appointment within thirty (30) days after the expiration of the ninety (90) day  
 10 period. The legislative council's appointment shall take into account the  
 11 political, geographic, gender, age, and racial diversity of the population. The  
 12 legislative council shall adopt a resolution specifying how these appointments  
 13 shall be made; and

14 (2) **The mayor shall make all appointments to agencies, boards, and commissions**  
 15 **established by statute in the manner as prescribed by statute, subject to any**  
 16 **requirements for legislative body approval as required by the relevant statutes.**  
 17 **Notwithstanding any other provisions of the Kentucky Revised Statutes, the**  
 18 **legislative body of the consolidated local government shall have sixty (60) days in**  
 19 **which to give approval of an appointment, if such approval is required by**  
 20 **statute.**

~~(a) When authorized by statute, the mayor shall, subject to legislative  
 21 council approval, determine which statutorily created agencies, boards, and  
 22 commissions require legislative council approval for the appointment of members.~~

~~(b) 1. Subject to legislative council approval, the mayor shall determine the  
 23 agencies, boards, and commissions to which legislative council members shall  
 24 be appointed. The mayor's determination under this subparagraph shall be  
 25 made in consultation with the Office of the Attorney General and shall not  
 26 violate the incompatible offices prohibitions in KRS 61.080(3).  
 27~~



1       ~~2. The presiding officer of the legislative council shall make all legislative~~  
2           ~~council appointments to agencies, boards, and commissions from the~~  
3           ~~membership of the legislative council, subject to subparagraph 1. of this~~  
4           ~~paragraph.~~

5       ~~(c) The legislative council shall enact an ordinance setting out the role of the~~  
6           ~~legislative council, if any, in the appointment process for each individual~~  
7           ~~agency, board, and commission created by statute. Only one (1) agency, board,~~  
8           ~~or commission shall be addressed per ordinance. Such ordinance shall require~~  
9           ~~a vote of the majority of the entire membership of the legislative council for~~  
10          ~~approval and shall be subject to mayoral veto and legislative override pursuant~~  
11          ~~to KRS 67C.103(13)(a) and 67C.105(5)(i); and]~~

12       (3) The appointment of members to all agencies, boards, and commissions created by  
13           ordinance shall be determined by the ordinance creating the agency, board, or  
14           commission.

15       ➔Section 6. KRS 67C.143 is amended to read as follows:

16       (1) Unless otherwise provided by law, any elected officer of a consolidated local  
17           government in case of misconduct, incapacity, or willful neglect in the performance  
18           of the duties of his or her office may be removed from office by the legislative  
19           council, sitting as a court, under oath, upon charges preferred by the mayor or by  
20           any five (5) members of the legislative council, or, in case of charges against the  
21           mayor, upon charges preferred by not less than ten (10) members of the legislative  
22           council.~~[No legislative council member preferring a charge shall sit as a member of~~  
23           ~~the legislative council when it tries that charge.]~~

24       (2) No elected officer shall be removed without having been given the right to a full  
25           public hearing.

26       (3) A decision to remove a mayor, legislative council member, or appointee to a board  
27           or commission shall require a vote of two-thirds (2/3) of the total number of

1 legislative council members.

2 (4) Any elected officer removed from office under the provisions of this section may  
3 appeal to the Circuit Court and from there to the Court of Appeals. The appeal to  
4 the Circuit Court shall be taken and tried in the same manner as civil cases are tried.

5 (5) (a) No elected officer removed from office under this section shall be eligible to  
6 fill the office vacated before the expiration of the term to which the elected  
7 member was originally elected.

8 (b) Any appointee to a board or commission removed under this section shall not  
9 be eligible for:

10 1. The office from which he or she was removed before five (5) years  
11 following the date of his or her removal from that office; or

12 2. Appointment to a board or commission described in KRS  
13 67C.103(13)(f) before five (5) years following the date of his or her  
14 removal from that office.

15 ➔Section 7. KRS 67C.147 is amended to read as follows:

16 (1) In order to maintain the tax structure, tax rates, or level of services in the area of the  
17 consolidated local government formerly comprising the city of the first class, the  
18 legislative council of a consolidated local government may provide in the manner  
19 described in this chapter for taxes and services within the area comprising the  
20 former city of the first class which are different from the taxes and services which  
21 are applicable in the remainder of the county. These differences may include  
22 differences in tax rates upon the class of property which includes the surface of the  
23 land, differences in ad valorem tax rates upon personal property, and differences in  
24 tax rates upon insurance premiums.

25 (2) Any difference in the ad valorem tax rate on the class of property which includes  
26 the surface of the land in the portion of the county formerly comprising the city of  
27 the first class and in the portion of the county other than that formerly comprising

1 the city of the first class may be imposed directly by the consolidated local  
2 government council. Any change in these ad valorem tax rates shall comply with  
3 KRS 68.245, 132.010, 132.017, and 132.027 and shall be used for services as  
4 provided by KRS 82.085.

5 (3) If the consolidated local government council determines to provide for tax rates  
6 applicable to health insurance premiums and personal property which are different  
7 in the area formerly comprising the city of the first class than the rates applicable in  
8 the remainder of the county, it shall do so in the following manner. The  
9 consolidated local government council shall by ordinance create a tax district to be  
10 known as the "urban service tax district" bounded by the former boundaries of the  
11 former city of the first class. The ordinance shall designate the number of members  
12 of the board of this taxing district and the manner in which they shall be appointed.  
13 The ordinance shall provide that the board of the taxing district shall receive the  
14 income derived from the differential in tax rate applicable in the area formerly  
15 comprising the city of the first class with respect to personal property, health  
16 insurance premiums, or both, and shall contract with the consolidated local  
17 government to pay all sums collected to the consolidated local government, in  
18 return for the provision of services performed by the consolidated local government  
19 within the area formerly comprising the city of the first class which services are in  
20 addition to services performed by the consolidated local government in the  
21 remainder of the county. **The consolidated local government shall provide at least**  
22 **an annual reporting to the urban service tax district board and the legislative**  
23 **body of the consolidated local government containing but not limited to detailed**  
24 **operating and capital expenditures of each service performed by the consolidated**  
25 **local government.**

26 (4) After the initial formation of an urban service taxing district in a consolidated local  
27 government, the boundaries of the district may be modified in the following

1 manner. The proposal to alter the boundaries of the urban service taxing district  
2 within a consolidated local government may be initiated by:

- 3 (a) A resolution enacted by the consolidated local government describing the  
4 boundaries of the area to be added to or deleted from the taxing district and  
5 duly passed and signed by the mayor not less than one hundred twenty (120)  
6 days before the next regularly scheduled election day within the county; or  
7 (b) A petition signed by a number of qualified voters living within precincts  
8 within the area to be added to or deleted from the taxing district equal to ten  
9 percent (10%) of the votes cast within each precinct in the last general election  
10 for President of the United States and delivered to the clerk of the legislative  
11 council more than one hundred twenty (120) days next preceding the next  
12 regularly scheduled election day within the county.

13 The boundaries so described in either case shall not cross precinct lines. The  
14 question of whether the area bounded as described should be added to or deleted  
15 from, as the case may be, the urban services taxing district shall then be placed upon  
16 the ballot in the precincts in the area to be added or deleted at the next regular  
17 election and the question stated on the ballot shall be so phrased that a "Yes" vote  
18 shall be cast in favor of making the proposed change and a "No" vote shall be cast  
19 to oppose the proposed change. If a majority of those voting in those precincts  
20 support the change, then the change in the boundaries of the urban service district  
21 shall be implemented.

22 ➔Section 8. KRS 67C.301 is amended to read as follows:

23 As used in KRS 67C.301 to 67C.327, unless the context otherwise requires:

- 24 (1) "Board" means the consolidated local government police force merit board or  
25 boards hereinafter created.  
26 (2) "Chief" means a chief of a consolidated local government police force affected by  
27 KRS 67C.301 to 67C.327.

1 (3) **"Designee" means a deputy chief or assistant chief of a consolidated local**  
 2 **government police force affected by KRS 67C.301 to 67C.327.**

3 **(4)** "Assistant chief" means the next in command to the chiefs of the consolidated local  
 4 government police force or forces affected by KRS 67C.301 to 67C.327.

5 **(5)**~~(4)~~ "Secretary" means the executive secretary employed by the consolidated local  
 6 government police force merit board or boards created as provided by KRS 67C.301  
 7 to 67C.327.

8 **(6)**~~(5)~~ "Officer" means any member of the consolidated local government police  
 9 forces affected by KRS 67C.301 to 67C.327, including police officers, corporals,  
 10 sergeants, lieutenants, and captains.

11 ➔Section 9. KRS 67C.321 is amended to read as follows:

12 (1) Any officer may be removed, suspended for a period not to exceed thirty (30) days,  
 13 laid-off, or reduced in grade by the chief **or chief's designee** for any cause which  
 14 promotes the efficiency of the services, but before any such action is taken by the  
 15 chief **or chief's designee** against any officer, the chief **or chief's designee** shall  
 16 furnish the officer concerned with a written statement of the reasons why the  
 17 described action is being taken. **The chief's designee shall provide the chief a copy**  
 18 **of the written statement of why the described action is being taken when it is**  
 19 **furnished to the officer. Nothing in this subsection shall be construed as**  
 20 **abrogating the chief's responsibility for the actions of the chief's designee taken**  
 21 **pursuant to KRS 67C.301 to 67C.327.** The officer may be reduced, removed,  
 22 suspended for a period not to exceed thirty (30) days, or laid-off from the date the  
 23 written statement of reasons is served upon her or him. Each officer removed,  
 24 suspended for a period not to exceed thirty (30) days, laid-off, or reduced in grade  
 25 shall be allowed a period of ten (10) days within which the officer may file a written  
 26 answer to the charges and the reasons which caused her or his suspension, removal,  
 27 or reduction. This answer shall be made a part of the official records of the police

1 department. No trial or examination of witnesses shall be required in any such case  
2 except at the discretion of the chief. The chief or the chief's designee shall likewise  
3 furnish a copy of the written charges and reasons for her or his action to the board.

4 (2) Any citizen who makes written, sworn charges of misconduct concerning the  
5 actions of any police officer shall present the charges to the chief of police or the  
6 chief's designee who shall investigate the charges. The chief of police or the chief's  
7 designee shall determine what action, if any, shall be taken against the officer,  
8 subject to the limitations set out in this chapter. The citizen may appeal the  
9 determination of the chief of police or the chief's designee to the board.

10 ➔Section 10. KRS 67C.323 is amended to read as follows:

11 In all cases provided for in KRS 67C.321, the action of the chief or the chief's designee  
12 shall be final except in the following cases:

13 (1) Every action in the nature of a dismissal, suspension, or demotion of a  
14 nonprobationary officer made by the chief or the chief's designee shall be subject to  
15 review by the board at the request of any officer affected by KRS 67C.301 to  
16 67C.327. An appeal to the board of a dismissal, demotion, or forty (40) hour or  
17 more suspension of a nonprobationary officer shall be heard by the full board. The  
18 board shall give notice and hold a public hearing. After the hearing, the board shall  
19 retire in executive session to discuss the evidence introduced at the hearing and to  
20 make its determination and conclusion. While in executive session, the board shall  
21 not receive any further evidence or communication from any source prior to  
22 reaching its determination and conclusion. The board, while in executive session,  
23 may request and receive legal advice from board counsel on specific legal issues  
24 which may arise during deliberations. If a majority of the members of the board are  
25 of the opinion that the action of the chief or the chief's designee is unjustified or  
26 unsupported by proper evidence, the order of the chief or the chief's designee may  
27 be set aside and revoked by the board, and the board may impose the penalty or

1 punishment it deems necessary and appropriate, if any; provided however, the board  
2 shall not impose a penalty or punishment in excess of the action of the chief or the  
3 chief's designee. No officer shall be removed or dismissed except as provided for in  
4 this section.

5 (2) An appeal to the board of a suspension of a nonprobationary officer of less than  
6 forty (40) hours may be heard by the full board or any hearing officer secured by the  
7 board. If the appeal is heard by a hearing officer, all rules established by the board  
8 relating to appeals of disciplinary actions shall be applicable. After the hearing, the  
9 hearing officer shall complete and submit to the board, no later than thirty (30) days  
10 after the hearing, a written recommended order which shall include his findings of  
11 fact, conclusions of law, and recommended disposition of the appeal, which may  
12 include recommended penalties. The recommended order shall also include a  
13 statement advising the appealing officer and chief or the chief's designee fully of  
14 their exception and appeal rights. A copy of the hearing officer's recommended  
15 order shall be sent to the appealing officer and chief or the chief's designee. Each  
16 party shall have fifteen (15) days from the date the recommended order is mailed  
17 within which to file exceptions to the recommendations with the board. The board  
18 shall consider the record including the recommended order in any exceptions duly  
19 filed to a recommended order, and accept and adopt or reject or modify, in whole or  
20 in part, the recommended order, or remand the appeal of the matter, in whole or in  
21 part, to the hearing officer for further proceedings as appropriate. The final order of  
22 the board shall be in writing. If the final order differs from the recommended order,  
23 it shall include separate statements of findings of fact and conclusions of law. The  
24 board shall render a final order in an administrative hearing within thirty (30) days  
25 after receipt of the hearing officer's recommended order.

26 (3) (a) Every action of a dismissal, suspension, or demotion made by the board shall  
27 be final, except that any person aggrieved may, within thirty (30) days after

1 the action, appeal to the Circuit Court of the county in which the board meets.  
2 The board shall be named respondent as the consolidated local government  
3 police force merit board, and service shall be had on the chairman of the  
4 board. Notice of the appeal shall be given to the chief or the chief's designee,  
5 or the officer if not already a party to the appeal as real parties in interest. The  
6 appeal taken to the Circuit Court shall be docketed by the clerk as a civil  
7 action with appropriate judicial review of an administrative action or decision.

8 (b) The judgment of the Circuit Court shall be subject to appeal to the Court of  
9 Appeals. The procedure as to the appeal to the Court of Appeals shall be the  
10 same as in any civil action.

11 ➔Section 11. KRS 67C.325 is amended to read as follows:

12 Procedural due process shall be afforded to any police officer brought before the board.  
13 The officer shall be given a prompt hearing by the board, have an opportunity to confront  
14 his or her accusers, and have the privilege of presenting the board with evidence. The  
15 board shall have the power to issue subpoenas attested in the name of its chairman, to  
16 compel the attendance of witnesses, to compel the production of documents and other  
17 documentary evidence, and so far as practicable, conduct the hearing within the Kentucky  
18 Rules of Civil Procedure. Upon a showing of proper need, the board shall issue  
19 subpoenas to compel the attendance of witnesses, or to compel the production of  
20 documents and other documentary evidence for the benefits of the officer, ~~or~~ the chief,  
21 or the chief's designee at the request of the officer, ~~or~~ the chief, or the chief's designee.