

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  
25 shall be compact and contiguous and shall respect existing neighborhood,  
26 community, and 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  
11 elected in the same election years as other local government officials as regulated by  
12 the regular election laws of the Commonwealth and as provided in subsection (4) of  
13 this 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  
21 president who shall be chosen annually by a majority vote of the entire council from  
22 among its members at the first meeting of the council in January. The council  
23 president has the right to introduce any resolution or recommend any ordinance and  
24 shall be entitled 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  
3 held 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  
10 place of meetings shall not be changed except by an ordinance for which two-thirds  
11 (2/3) 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  
20 same 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, the council by majority vote of the membership of  
24 the council shall elect a qualified resident of the council district not later than thirty  
25 (30) days after the date the vacancy occurs. Should the council fail to elect, by  
26 majority vote of the membership of the council, a qualified person to fill the  
27 vacancy within thirty (30) days, the mayor of the consolidated local government

1 shall fill the vacancy by appointment of a qualified person for the unexpired term.

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

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

7 (b) Review the budgets of and appropriate money to the consolidated local  
8 government;

9 (c) Adopt a budget ordinance;

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

12 (e) Establish standing and temporary committees; and

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

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

17 2. Has a budget that is equal to or greater than one million dollars  
18 (\$1,000,000.00), except that this subparagraph shall not apply to any fee  
19 officer elected within the consolidated local government.

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

22 1. Composed of members from each of the two (2) largest political  
23 caucuses in the legislative council;

24 2. Appointed by the chairs of their respective caucuses; and

25 3. Composed on the basis of the proportion of each of the two (2) caucuses'  
26 total membership as compared to the total membership of the legislative  
27 council. Any fractional proportions shall be rounded in the favor of the

1 smallest caucus' membership on the committee.

2 (b) The committee shall have the power to:

3 1. Compel testimony and the submission of work papers or documents;

4 2. Approve, prior to the offer of any:

5 a. Legal or administrative settlements, not contained within the  
6 enacted budget ordinance, involving one million dollars

7 (\$1,000,000) or greater; or

8 b. Consent decrees offered to be entered into by the consolidated  
9 local government.

10 The committee's approval shall be in the form of a recommendation  
11 expressing acceptance of the settlement or consent decree offered by  
12 the consolidated local government. Notwithstanding any provision of  
13 law to the contrary, the portions of the committee meetings during  
14 which a settlement or consent decree is reviewed or discussed by  
15 committee members shall be a closed session, subject to KRS  
16 61.815(1), and shall only occur following the conclusion of an open  
17 session. At the conclusion of the closed session, the committee shall  
18 immediately convene an open session and give a summary of what  
19 occurred during the closed session.

20 3. Issue subpoenas to compel any officer, ~~of or~~ appointee, or former  
21 officer or appointee to a board or commission described in subsection  
22 (13)(f) of this section or any department or division of the consolidated  
23 local government to appear before the committee and to compel the  
24 submission to the committee of any work papers or documents pertinent  
25 to an independent audit or investigation. Any subpoenas issued or  
26 testimony compelled shall be subject to any relevant statutes concerning  
27 privacy. Testimony subject to KRS 61.810 shall only be taken in

1 executive session. The right to privacy or the requirement that testimony  
2 be taken in executive session may be waived by the person or entity  
3 being subpoenaed or compelled to testify;

4 ~~4[3]~~. Petition the appropriate Circuit Court to compel obedience by  
5 proceedings for contempt as in the case of disobedience of a subpoena  
6 issued from the Circuit Court or a refusal to testify therein, if any officer  
7 or appointee fails or refuses to testify or furnish the work papers or  
8 documents subpoenaed;

9 ~~5[4]~~. Administer oaths to witnesses appearing before the committee when the  
10 committee deems the administration of an oath necessary and advisable  
11 as provided by law. This decision to administer oaths shall be taken by a  
12 majority vote of the committee of the legislative council; and

13 ~~6[5]~~. Recommend the removal of any appointee to a board or commission  
14 described in subsection (13)(f) of this section.

15 (c) The legislative council of the consolidated local government shall adopt by  
16 resolution any process or procedures deemed necessary for the administration  
17 of subpoenas and oaths.

18 (d) The legislative council of the consolidated local government may only act to  
19 remove an appointee to a board or commission described in subsection (13)(f)  
20 of this section upon the recommendation of the Government Oversight and  
21 Audit Committee.

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

27 (15) The consolidated local government council shall be known as the legislative council

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

4 ➔Section 2. KRS 67C.105 is amended to read as follows:

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

9 (2) (a) The mayor shall be nominated and elected in partisan elections for a term of  
10 four (4) years in the same election years as other local government officials as  
11 regulated by the regular election laws of the Commonwealth.

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

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

18 (3) The mayor shall be at least twenty-one (21) years old, a qualified voter, a member  
19 of his or her political party, and a resident of the territory encompassing the  
20 consolidated local government for a period of at least one (1) year prior to his or her  
21 election as mayor. The mayor shall continue to reside within the geographic  
22 boundary of the consolidated local government throughout his or her term of office.

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

27 (5) The mayor is authorized to supervise, administer, and control all departments and

1 agencies as may be created by KRS 67C.101 to 67C.137 or created by ordinance.  
2 The mayor shall appoint all department and agency directors. The appointees shall  
3 serve at the pleasure of the mayor. Specifically, the mayor shall:

- 4 (a) Prepare and submit an annual report coinciding with the fiscal year, on the  
5 state of the consolidated local government, to be presented at a public meeting  
6 of the council;
- 7 (b) Submit an annual budget no fewer than sixty (60) days prior to the end of the  
8 fiscal year;
- 9 (c) Oversee the administration and implementation of the adopted budget  
10 ordinance;
- 11 (d) Enforce the ordinances of the consolidated local government;
- 12 (e) Supervise all officers, agents, employees, cabinets, departments, offices,  
13 agencies, functions, and duties of the consolidated local government;
- 14 (f) Call special meetings of the consolidated local government council;
- 15 (g) Appoint and remove his or her own staff at his or her own pleasure;
- 16 (h) Execute written contracts, subscriptions, agreements, or obligations of the  
17 consolidated local government;
- 18 (i) Approve or veto ordinances and resolutions adopted by the consolidated local  
19 government council;
- 20 (j) Submit any written contracts, subscriptions, agreements, or obligations  
21 exceeding the small purchase amount established pursuant to KRS 45A.385 in  
22 a resolution to the legislative council for its approval or its disapproval. Those  
23 written contracts, subscriptions, agreements, or obligations awarded to the  
24 lowest evaluated bid or proposal pursuant to KRS 45A.343 to 45A.460 shall  
25 be excluded, unless the legislative council changes the threshold for  
26 submission of a resolution. The legislative council may, by ordinance, set  
27 threshold amounts other than those established by KRS 45A.385 for the small



1 purchases for submission of a resolution for its approval or disapproval; and

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

4 The deputy mayor shall:

5 1. Meet all the qualifications for mayor established pursuant to subsection  
6 (3) of this section;

7 2. Serve at the mayor's pleasure and may be replaced by the mayor for any  
8 cause; and

9 3. Have only the duties assigned to him or her by the mayor.

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

12 1. The deputy mayor shall become the temporary mayor, inheriting all  
13 powers and duties of the mayor;

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

1 death, resignation, or removal:

2 1. The presiding officer of the consolidated local government council shall  
3 become the temporary mayor, inheriting all powers and duties of the  
4 mayor;

5 2. The presiding officer shall serve as temporary mayor for no more than  
6 thirty (30) days until the council shall, by a majority vote of the  
7 members of the council, elect a resident of the consolidated local  
8 government who meets the qualifications for mayor established pursuant  
9 to subsection (3) of this section. The council may select the temporary  
10 mayor for this position. If the legislative council fails to elect a person to  
11 fill the vacancy within thirty (30) days after the vacancy occurs, the  
12 Governor shall fill the vacancy in the office by appointment of a  
13 qualified person who is a resident of the consolidated local government  
14 and meets the qualifications for mayor established pursuant to  
15 subsection (3) of this section; and

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

18 (7) The mayor of a consolidated local government shall be known as the mayor of  
19 ...../..... County Metro Government, which shall be a combination  
20 of the names of the largest city in existence in the county on the date of the adoption  
21 of the consolidated local government and the county.

22 ➔Section 3. KRS 67C.111 is amended to read as follows:

23 (1) All cities other than those of the first class located within the territory of the  
24 consolidated local government, upon the successful passage of the question to  
25 consolidate a city of the first class and its county, shall remain incorporated unless  
26 dissolved in accordance with KRS 81.094 and shall continue to exercise all powers  
27 and perform the functions permitted by the Constitution and general laws of the

1 Commonwealth of Kentucky applicable to the cities of the class to which they have  
2 been assigned.

3 (2) (a) With the approval of the consolidated local government's legislative council,  
4 residents of the consolidated local government may establish new cities  
5 within the consolidated local government pursuant to KRS 81.050 and  
6 81.060. This territory shall not be within any urban services boundary of the  
7 consolidated local government nor shall it include any territory currently  
8 incorporated within any existing city. The approval of the desire to form  
9 shall be in the form of a resolution by the consolidated local government's  
10 legislative council.

11 (b) If the petition to form a city is signed by seventy-five percent (75%) or more  
12 of the residents in the area proposed to be incorporated, the consolidated  
13 local government's legislative council shall approve the proposed  
14 incorporation.

15 (c) If the petition to form a city is signed by less than seventy-five percent (75%)  
16 of the residents in the area proposed to be incorporated, the consolidated  
17 local government's legislative council may approve the proposed  
18 incorporation. ~~[Upon the adoption of a consolidated local government in a~~  
19 ~~county containing a city of the first class, there shall be no further~~  
20 ~~incorporations of cities within the county.]~~

21 (3) ~~[Upon the adoption of a consolidated local government in a county containing a city~~  
22 ~~of the first class, there shall be no annexations for a period of twelve (12) years by~~  
23 ~~any city remaining in the county. After that time, ]~~Any proposed annexation by a  
24 city in that county shall first receive the approval of the legislative council of the  
25 consolidated local government prior to the city proceeding under the provisions of  
26 KRS Chapter 81A. The city shall request the approval of the consolidated  
27 legislative council by ordinance. If the ordinance is accompanied by a petition in

1 *favor of the proposed annexation signed by seventy-five percent (75%) or more of*  
 2 *the residents in the area proposed to be annexed, the consolidated government*  
 3 *legislative council shall approve the proposed annexation.* The consolidated  
 4 legislative council's decision shall be made by ordinance and within sixty (60) days  
 5 of the receipt of the request by the affected city. If an ordinance has not been  
 6 enacted by the consolidated legislative council within sixty (60) days, the request  
 7 for a city to proceed with an annexation proposal shall be deemed to be approved by  
 8 the consolidated legislative council. *An ordinance approving annexation passed by*  
 9 *the consolidated local government legislative council shall not be subject to veto*  
 10 *by the mayor of the consolidated local government.*

11 (4) The adoption of a consolidated local government in a county containing a city of the  
 12 first class shall not prevent the merger or dissolution of any existing cities as  
 13 provided by law or the merger of any remaining cities with the newly consolidated  
 14 local government.

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

16 (1) Upon the successful passage of the question to consolidate a city of the first class  
 17 and its county, all ordinances and resolutions of the previously existing city of the  
 18 first class and all ordinances and resolutions of the county shall become effective  
 19 ordinances and resolutions of the consolidated local government until repealed,  
 20 modified, or amended in accordance with the following order of precedence:

21 (a) If a city ordinance conflicts with a county ordinance, the county ordinance  
 22 shall prevail and shall become effective countywide; and

23 (b) If a city ordinance addresses a subject matter not addressed by a county  
 24 ordinance, the city ordinance shall become effective countywide; and

25 (c) If a county ordinance addresses a subject matter not addressed by a city  
 26 ordinance, the county ordinance shall become effective countywide.

27 Notwithstanding paragraph (a) of this subsection and in the event a uniform land

1 development code has not been jointly adopted by the city and county prior to the  
2 effective date of a consolidated local government, the historic preservation and  
3 landmarks ordinances, and the zoning regulations of the city adopted pursuant to  
4 KRS Chapter 100, shall prevail and become effective countywide.

5 (2) Ordinances and resolutions of either the city of the first class or its county in  
6 existence on the effective date of a local government consolidation which conflict  
7 with other provisions of this chapter shall be void. Except as provided in KRS  
8 67C.123(3), any ordinance, resolution, or order in effect in a city of the first class or  
9 its county on the date a consolidated local government takes effect shall expire five  
10 (5) years from that date unless amended or reenacted by the consolidated local  
11 government.

12 (3) All ordinances of the city and county creating agencies and boards and interlocal  
13 agreements shall survive and be deemed reenacted by the council. All members may  
14 serve the balance of the terms to which they were appointed and until their  
15 successors are appointed and duly qualified according to law.

16 (4) For purposes of this section, a conflict shall be deemed to exist between ordinances  
17 or resolutions, or the provisions of this chapter, where any rights, remedies,  
18 entitlements, or the enforcement thereof cannot reasonably be reconciled.

19 (5) The county attorney shall serve as the legal advisor and representative to the  
20 consolidated local government, ~~and~~ except for those duties pertaining to fiscal  
21 court, ~~set forth in KRS 69.210,~~ The county attorney shall retain and exercise all  
22 other duties, powers, and rights delegated to that office by law, **excluding the power**  
23 **to approve legislation prior to its consideration by the legislative body of the**  
24 **consolidated local government. The county attorney may provide an opinion on**  
25 **the form, legality, or constitutionality of any legislative action, but that opinion**  
26 **shall only be an advisory opinion.** This subsection does not prevent the  
27 consolidated local government council from retaining its own legal counsel ~~solely~~

1 for advice and consultation should they choose to do so.

2 (6) Wherever the words "county judge" or "county judge/executive" appear in any  
3 resolution or ordinance in existence in a city of the first class or in a county  
4 containing a city of the first class as of the effective date of the establishment of a  
5 consolidated local government, they shall be deemed to mean the mayor of the  
6 consolidated local government.

7 →Section 5. KRS 67C.139 is amended to read as follows:

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

11 (1) (a) The mayor of the consolidated local government shall assume all appointment  
12 authority previously held by the county judge/executive and the mayor of the  
13 consolidating governments. Appointments made by the mayor should reflect  
14 the political, geographic, gender, age, and racial diversity of the population  
15 within the jurisdiction of the consolidated local government. Upon the  
16 expiration of a term of appointment, the mayor shall make an appointment or  
17 reappointment within ninety (90) days of the term's expiration.

18 (b) If the mayor fails to make an appointment within ninety (90) days, the  
19 legislative council of the consolidated local government shall make the  
20 appointment within thirty (30) days after the expiration of the ninety (90) day  
21 period. The legislative council's appointment shall take into account the  
22 political, geographic, gender, age, and racial diversity of the population. The  
23 legislative council shall adopt a resolution specifying how these appointments  
24 shall be made; and

25 (2) **The mayor shall make all appointments to agencies, boards, and commissions**  
26 **established by statute in the manner as prescribed by statute, subject to any**  
27 **requirements for legislative body approval as required by the relevant statutes.**

1 Notwithstanding any other provisions of the Kentucky Revised Statutes, the  
 2 legislative body of the consolidated local government shall have sixty (60) days in  
 3 which to give approval of an appointment, if such approval is required by  
 4 statute. ~~[(a) When authorized by statute, the mayor shall, subject to legislative~~

5 ~~council approval, determine which statutorily created agencies, boards, and~~  
 6 ~~commissions require legislative council approval for the appointment of members.~~

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

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

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

23 (3) The appointment of members to all agencies, boards, and commissions by  
 24 ordinance shall be determined by the ordinance creating the agency, board, or  
 25 commission.

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

27 (1) Unless otherwise provided by law, any elected officer of a consolidated local

1 government in case of misconduct, incapacity, or willful neglect in the performance  
2 of the duties of his or her office may be removed from office by the legislative  
3 council, sitting as a court, under oath, upon charges preferred by the mayor or by  
4 any five (5) members of the legislative council, or, in case of charges against the  
5 mayor, upon charges preferred by not less than ten (10) members of the legislative  
6 council.~~[No legislative council member preferring a charge shall sit as a member of  
7 the legislative council when it tries that charge.]~~

- 8 (2) No elected officer shall be removed without having been given the right to a full  
9 public hearing.
- 10 (3) A decision to remove a mayor, legislative council member, or appointee to a board  
11 or commission shall require a vote of two-thirds (2/3) of the total number of  
12 legislative council members.
- 13 (4) Any elected officer removed from office under the provisions of this section may  
14 appeal to the Circuit Court and from there to the Court of Appeals. The appeal to  
15 the Circuit Court shall be taken and tried in the same manner as civil cases are tried.
- 16 (5) (a) No elected officer removed from office under this section shall be eligible to  
17 fill the office vacated before the expiration of the term to which the elected  
18 member was originally elected.
- 19 (b) Any appointee to a board or commission removed under this section shall not  
20 be eligible for:
- 21 1. The office from which he or she was removed before five (5) years  
22 following the date of his or her removal from that office; or
  - 23 2. Appointment to a board or commission described in KRS  
24 67C.103(13)(f) before five (5) years following the date of his or her  
25 removal from that office.

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

- 27 (1) In order to maintain the tax structure, tax rates, or level of services in the area of the



1 consolidated local government formerly comprising the city of the first class, the  
2 legislative council of a consolidated local government may provide in the manner  
3 described in this chapter for taxes and services within the area comprising the  
4 former city of the first class which are different from the taxes and services which  
5 are applicable in the remainder of the county. These differences may include  
6 differences in tax rates upon the class of property which includes the surface of the  
7 land, differences in ad valorem tax rates upon personal property, and differences in  
8 tax rates upon insurance premiums.

9 (2) Any difference in the ad valorem tax rate on the class of property which includes  
10 the surface of the land in the portion of the county formerly comprising the city of  
11 the first class and in the portion of the county other than that formerly comprising  
12 the city of the first class may be imposed directly by the consolidated local  
13 government council. Any change in these ad valorem tax rates shall comply with  
14 KRS 68.245, 132.010, 132.017, and 132.027 and shall be used for services as  
15 provided by KRS 82.085.

16 (3) If the consolidated local government council determines to provide for tax rates  
17 applicable to health insurance premiums and personal property which are different  
18 in the area formerly comprising the city of the first class than the rates applicable in  
19 the remainder of the county, it shall do so in the following manner. The  
20 consolidated local government council shall by ordinance create a tax district to be  
21 known as the "urban service tax district" bounded by the former boundaries of the  
22 former city of the first class. The ordinance shall designate the number of members  
23 of the board of this taxing district and the manner in which they shall be appointed.  
24 The ordinance shall provide that the board of the taxing district shall receive the  
25 income derived from the differential in tax rate applicable in the area formerly  
26 comprising the city of the first class with respect to personal property, health  
27 insurance premiums, or both, and shall contract with the consolidated local

1 government to pay all sums collected to the consolidated local government, in  
2 return for the provision of services performed by the consolidated local government  
3 within the area formerly comprising the city of the first class which services are in  
4 addition to services performed by the consolidated local government in the  
5 remainder of the county. **The consolidated local government shall provide at least**  
6 **an annual reporting to the urban service tax district board and the legislative**  
7 **body of the consolidated local government containing but not limited to detailed**  
8 **operating and capital expenditures of each service performed by the consolidated**  
9 **local government.**

10 (4) After the initial formation of an urban service taxing district in a consolidated local  
11 government, the boundaries of the district may be modified in the following  
12 manner. The proposal to alter the boundaries of the urban service taxing district  
13 within a consolidated local government may be initiated by:

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

24 The boundaries so described in either case shall not cross precinct lines. The  
25 question of whether the area bounded as described should be added to or deleted  
26 from, as the case may be, the urban services taxing district shall then be placed upon  
27 the ballot in the precincts in the area to be added or deleted at the next regular

1 election and the question stated on the ballot shall be so phrased that a "Yes" vote  
 2 shall be cast in favor of making the proposed change and a "No" vote shall be cast  
 3 to oppose the proposed change. If a majority of those voting in those precincts  
 4 support the change, then the change in the boundaries of the urban service district  
 5 shall be implemented.

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

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

- 8 (1) "Board" means the consolidated local government police force merit board or  
 9 boards hereinafter created.
- 10 (2) "Chief" means a chief of a consolidated local government police force affected by  
 11 KRS 67C.301 to 67C.327.
- 12 (3) **"Designee" means a deputy chief or assistant chief of a consolidated local**  
 13 **government police force affected by KRS 67C.301 to 67C.327.**
- 14 **(4)** "Assistant chief" means the next in command to the chiefs of the consolidated local  
 15 government police force or forces affected by KRS 67C.301 to 67C.327.
- 16 ~~**(5)**~~~~**(4)**~~ "Secretary" means the executive secretary employed by the consolidated local  
 17 government police force merit board or boards created as provided by KRS 67C.301  
 18 to 67C.327.
- 19 ~~**(6)**~~~~**(5)**~~ "Officer" means any member of the consolidated local government police  
 20 forces affected by KRS 67C.301 to 67C.327, including police officers, corporals,  
 21 sergeants, lieutenants, and captains.

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

- 23 (1) Any officer may be removed, suspended for a period not to exceed thirty (30) days,  
 24 laid-off, or reduced in grade by the chief **or chief's designee** for any cause which  
 25 promotes the efficiency of the services, but before any such action is taken by the  
 26 chief **or chief's designee** against any officer, the chief **or chief's designee** shall  
 27 furnish the officer concerned with a written statement of the reasons why the

1 described action is being taken. *The chief's designee shall provide the chief a copy*  
2 *of the written statement of why the described action is being taken when it is*  
3 *furnished to the officer. Nothing in this subsection shall be construed as*  
4 *abrogating the chief's responsibility for the actions of the chief's designee taken*  
5 *pursuant to KRS 67C.301 to 67C.327.* The officer may be reduced, removed,  
6 suspended for a period not to exceed thirty (30) days, or laid-off from the date the  
7 written statement of reasons is served upon her or him. Each officer removed,  
8 suspended for a period not to exceed thirty (30) days, laid-off, or reduced in grade  
9 shall be allowed a period of ten (10) days within which the officer may file a written  
10 answer to the charges and the reasons which caused her or his suspension, removal,  
11 or reduction. This answer shall be made a part of the official records of the police  
12 department. No trial or examination of witnesses shall be required in any such case  
13 except at the discretion of the chief. The chief *or the chief's designee* shall likewise  
14 furnish a copy of the written charges and reasons for her or his action to the board.

15 (2) Any citizen who makes written, sworn charges of misconduct concerning the  
16 actions of any police officer shall present the charges to the chief of police *or the*  
17 *chief's designee* who shall investigate the charges. The chief of police *or the chief's*  
18 *designee* shall determine what action, if any, shall be taken against the officer,  
19 subject to the limitations set out in this chapter. The citizen may appeal the  
20 determination of the chief of police *or the chief's designee* to the board.

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

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

24 (1) Every action in the nature of a dismissal, suspension, or demotion of a  
25 nonprobationary officer made by the chief *or the chief's designee* shall be subject to  
26 review by the board at the request of any officer affected by KRS 67C.301 to  
27 67C.327. An appeal to the board of a dismissal, demotion, or forty (40) hour or

1 more suspension of a nonprobationary officer shall be heard by the full board. The  
2 board shall give notice and hold a public hearing. After the hearing, the board shall  
3 retire in executive session to discuss the evidence introduced at the hearing and to  
4 make its determination and conclusion. While in executive session, the board shall  
5 not receive any further evidence or communication from any source prior to  
6 reaching its determination and conclusion. The board, while in executive session,  
7 may request and receive legal advice from board counsel on specific legal issues  
8 which may arise during deliberations. If a majority of the members of the board are  
9 of the opinion that the action of the chief or the chief's designee is unjustified or  
10 unsupported by proper evidence, the order of the chief or the chief's designee may  
11 be set aside and revoked by the board, and the board may impose the penalty or  
12 punishment it deems necessary and appropriate, if any; provided however, the board  
13 shall not impose a penalty or punishment in excess of the action of the chief or the  
14 chief's designee. No officer shall be removed or dismissed except as provided for in  
15 this section.

16 (2) An appeal to the board of a suspension of a nonprobationary officer of less than  
17 forty (40) hours may be heard by the full board or any hearing officer secured by the  
18 board. If the appeal is heard by a hearing officer, all rules established by the board  
19 relating to appeals of disciplinary actions shall be applicable. After the hearing, the  
20 hearing officer shall complete and submit to the board, no later than thirty (30) days  
21 after the hearing, a written recommended order which shall include his findings of  
22 fact, conclusions of law, and recommended disposition of the appeal, which may  
23 include recommended penalties. The recommended order shall also include a  
24 statement advising the appealing officer and chief or the chief's designee fully of  
25 their exception and appeal rights. A copy of the hearing officer's recommended  
26 order shall be sent to the appealing officer and chief or the chief's designee. Each  
27 party shall have fifteen (15) days from the date the recommended order is mailed

1 within which to file exceptions to the recommendations with the board. The board  
2 shall consider the record including the recommended order in any exceptions duly  
3 filed to a recommended order, and accept and adopt or reject or modify, in whole or  
4 in part, the recommended order, or remand the appeal of the matter, in whole or in  
5 part, to the hearing officer for further proceedings as appropriate. The final order of  
6 the board shall be in writing. If the final order differs from the recommended order,  
7 it shall include separate statements of findings of fact and conclusions of law. The  
8 board shall render a final order in an administrative hearing within thirty (30) days  
9 after receipt of the hearing officer's recommended order.

- 10 (3) (a) Every action of a dismissal, suspension, or demotion made by the board shall  
11 be final, except that any person aggrieved may, within thirty (30) days after  
12 the action, appeal to the Circuit Court of the county in which the board meets.  
13 The board shall be named respondent as the consolidated local government  
14 police force merit board, and service shall be had on the chairman of the  
15 board. Notice of the appeal shall be given to the chief or the chief's designee,  
16 or the officer if not already a party to the appeal as real parties in interest. The  
17 appeal taken to the Circuit Court shall be docketed by the clerk as a civil  
18 action with appropriate judicial review of an administrative action or decision.
- 19 (b) The judgment of the Circuit Court shall be subject to appeal to the Court of  
20 Appeals. The procedure as to the appeal to the Court of Appeals shall be the  
21 same as in any civil action.

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

23 Procedural due process shall be afforded to any police officer brought before the board.  
24 The officer shall be given a prompt hearing by the board, have an opportunity to confront  
25 his or her accusers, and have the privilege of presenting the board with evidence. The  
26 board shall have the power to issue subpoenas attested in the name of its chairman, to  
27 compel the attendance of witnesses, to compel the production of documents and other

1 documentary evidence, and so far as practicable, conduct the hearing within the Kentucky  
2 Rules of Civil Procedure. Upon a showing of proper need, the board shall issue  
3 subpoenas to compel the attendance of witnesses, or to compel the production of  
4 documents and other documentary evidence for the benefits of the officer, ~~or~~ the chief,  
5 or the chief's designee at the request of the officer, ~~or~~ the chief, or the chief's designee.