

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 civilian review and*
6 *accountability board established by a consolidated local government according to*
7 *the provisions 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*

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

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

24 *(4) (a) Notwithstanding any provision of law to the contrary, when the board*
25 *established in subsection (2)(b) of this section reviews, discusses, or is*
26 *presented with information on potential or ongoing investigations*
27 *conducted by the investigatory office established in subsection (2)(a) of this*

1 section, those portions of the board meeting may be in a closed session,
2 subject to the requirements of KRS 61.815(1). A closed session shall only
3 occur following an open session and, at the conclusion of the closed
4 session, the board shall immediately convene an open session and provide a
5 summary of what occurred during the closed session.

6 (b) 1. Information and record copies that are confidential under state or
7 federal law and are provided to any board or investigatory office
8 established under subsection (2) of this section by any entity shall not
9 become the information and records of the board or the office, and
10 shall not lose their confidentiality by virtue of the access of the board
11 or investigatory office to the information and records.

12 2. Any original information and records used to generate information
13 and record copies provided to a board established under subsection (2)
14 of this section by any agency shall be maintained by that agency in
15 accordance with state and federal law and shall be subject to KRS
16 61.870 to 61.884. All open records requests for those materials shall be
17 made to the appropriate agency, and not to the board established
18 under subsection (2) of this section, or any of the board members.
19 Information and record copies provided to the board established under
20 subsection (2) of this section shall be exempt from KRS 61.870 to
21 61.884 and, at the conclusion of the investigation, all copies of
22 information and records provided shall be destroyed by the
23 investigatory office.

24 3. Nothing in this paragraph shall be construed to exempt records
25 generated by the board established in subsection (2) of this section
26 from KRS 61.870 to 61.884, or from the records retention provisions
27 under KRS 171.420 to 171.740, unless the records are otherwise

1 exempt under any of those provisions or other provisions of law.

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

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

- 12 1. Compel testimony and the submission of work papers or documents;
- 13 2. Issue subpoenas to compel any officer of or appointee or any
14 department or division of the consolidated local government to appear
15 before the committee and to compel the submission to the board of any
16 work papers or documents pertinent to a review. Any subpoenas issued
17 or testimony compelled shall be subject to any relevant statutes
18 concerning privacy. Testimony subject to KRS 61.810 shall only be
19 taken in executive session. The right to privacy or the requirement that
20 testimony be taken in executive session may be waived by the person
21 or entity being subpoenaed or compelled to testify;
- 22 3. Petition the appropriate Circuit Court to compel obedience by
23 proceedings for contempt as in the case of disobedience of a subpoena
24 issued from the Circuit Court or a refusal to testify therein, if any
25 officer or appointee fails or refuses to testify or furnish the work
26 papers or documents subpoenaed; and
- 27 4. Administer oaths to witnesses appearing before the board when the

1 *board deems the administration of an oath necessary and advisable as*
2 *provided by law.*

3 ➔Section 2. 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. Issue subpoenas to compel any officer of or appointee to a board or
5 commission described in subsection (13)(f) of this section or any
6 department or division of the consolidated local government to appear
7 before the committee and to compel the submission to the committee of
8 any work papers or documents pertinent to an independent audit or
9 investigation. Any subpoenas issued or testimony compelled shall be
10 subject to any relevant statutes concerning privacy. Testimony subject to
11 KRS 61.810 shall only be taken in executive session. The right to
12 privacy or the requirement that testimony be taken in executive session
13 may be waived by the person or entity being subpoenaed or compelled to
14 testify;

15 3. Petition the appropriate Circuit Court to compel obedience by
16 proceedings for contempt as in the case of disobedience of a subpoena
17 issued from the Circuit Court or a refusal to testify therein, if any officer
18 or appointee fails or refuses to testify or furnish the work papers or
19 documents subpoenaed;

20 4. Administer oaths to witnesses appearing before the committee when the
21 committee deems the administration of an oath necessary and advisable
22 as provided by law. This decision to administer oaths shall be taken by a
23 majority vote of the committee of the legislative council; and

24 5. Recommend the removal of any appointee to a board or commission
25 described in subsection (13)(f) of this section.

26 (c) The legislative council of the consolidated local government shall adopt by
27 resolution any process or procedures deemed necessary for the administration

1 of subpoenas and oaths.

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

6 (e) The Government Oversight and Audit Committee shall have the power to
7 issue subpoenas or administer oaths. Except as provided in KRS 67C.103 and
8 67C.325~~[65.003(7)]~~, the legislative council of the consolidated local
9 government shall not delegate those powers to any other entity or entities not a
10 part of the legislative council of the consolidated local government.

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

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

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

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

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

26 (c) The mayor may serve for no more than three (3) consecutive terms, after
27 which time he or she shall be prohibited from running for election or being

1 appointed as mayor for a period of at least four (4) years.

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

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

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

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

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

20 (c) Oversee the administration and implementation of the adopted budget
21 ordinance;

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

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

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

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

27 (h) Execute written contracts, subscriptions, agreements, or obligations of the

- 1 consolidated local government;
- 2 (i) Approve or veto ordinances and resolutions adopted by the consolidated local
3 government council;
- 4 (j) Submit any written contracts, subscriptions, agreements, or obligations
5 exceeding the small purchase amount established pursuant to KRS 45A.385 in
6 a resolution to the legislative council for its approval or its disapproval. Those
7 written contracts, subscriptions, agreements, or obligations awarded to the
8 lowest evaluated bid or proposal pursuant to KRS 45A.343 to 45A.460 shall
9 be excluded, unless the legislative council changes the threshold for
10 submission of a resolution. The legislative council may, by ordinance, set
11 threshold amounts other than those established by KRS 45A.385 for the small
12 purchases for submission of a resolution for its approval or disapproval; and
- 13 (k) Appoint a deputy mayor within seven (7) days of the mayor taking the oath of
14 office and keep the office of deputy mayor filled throughout the mayor's term.
15 The deputy mayor shall:
- 16 1. Meet all the qualifications for mayor established pursuant to subsection
17 (3) of this section;
- 18 2. Serve at the mayor's pleasure and may be replaced by the mayor for any
19 cause; and
- 20 3. Have only the duties assigned to him or her by the mayor.
- 21 (6) (a) If the office of mayor becomes vacant by reason of death, resignation, or
22 removal:
- 23 1. The deputy mayor shall become the temporary mayor, inheriting all
24 powers and duties of the mayor;
- 25 2. The deputy mayor shall serve as temporary mayor for no more than
26 thirty (30) days until the council, by a majority vote of the members of
27 the council, shall elect a resident of the consolidated local government

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

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

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

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

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

27 3. The tenure of the gubernatorial appointment shall be governed by

1 Section 152 of the Kentucky Constitution.

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

6 ➔Section 4. KRS 67C.139 is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

25 ➔Section 5. KRS 67C.143 is amended to read as follows:

26 (1) Unless otherwise provided by law, any elected officer of a consolidated local
27 government in case of misconduct, incapacity, or willful neglect in the performance

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

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

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

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

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

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

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

22 2. Appointment to a board or commission described in KRS
23 67C.103(13)(f) before five (5) years following the date of his or her
24 removal from that office.

25 ➔Section 6. KRS 67C.147 is amended to read as follows:

26 (1) In order to maintain the tax structure, tax rates, or level of services in the area of the
27 consolidated local government formerly comprising the city of the first class, the

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

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

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

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

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

13 (a) A resolution enacted by the consolidated local government describing the
14 boundaries of the area to be added to or deleted from the taxing district and
15 duly passed and signed by the mayor not less than one hundred twenty (120)
16 days before the next regularly scheduled election day within the county; or

17 (b) A petition signed by a number of qualified voters living within precincts
18 within the area to be added to or deleted from the taxing district equal to ten
19 percent (10%) of the votes cast within each precinct in the last general election
20 for President of the United States and delivered to the clerk of the legislative
21 council more than one hundred twenty (120) days next preceding the next
22 regularly scheduled election day within the county.

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

1 shall be cast in favor of making the proposed change and a "No" vote shall be cast
2 to oppose the proposed change. If a majority of those voting in those precincts
3 support the change, then the change in the boundaries of the urban service district
4 shall be implemented.

5 ➔Section 7. KRS 67C.301 is amended to read as follows:

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

7 (1) "Board" means the consolidated local government police force merit board or
8 boards hereinafter created.

9 (2) "Chief" means a chief of a consolidated local government police force affected by
10 KRS 67C.301 to 67C.327.

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

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

15 (5)~~(4)~~ "Secretary" means the executive secretary employed by the consolidated local
16 government police force merit board or boards created as provided by KRS 67C.301
17 to 67C.327.

18 (6)~~(5)~~ "Officer" means any member of the consolidated local government police
19 forces affected by KRS 67C.301 to 67C.327, including police officers, corporals,
20 sergeants, lieutenants, and captains.

21 ➔Section 8. KRS 67C.321 is amended to read as follows:

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

1 laid-off from the date the written statement of reasons is served upon her or him.
2 Each officer removed, suspended for a period not to exceed thirty (30) days, laid-
3 off, or reduced in grade shall be allowed a period of ten (10) days within which the
4 officer may file a written answer to the charges and the reasons which caused her or
5 his suspension, removal, or reduction. This answer shall be made a part of the
6 official records of the police department. No trial or examination of witnesses shall
7 be required in any such case except at the discretion of the chief. The chief or the
8 chief's designee shall likewise furnish a copy of the written charges and reasons for
9 her or his action to the board.

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

16 ➔Section 9. KRS 67C.325 is amended to read as follows:

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

27 ➔Section 10. KRS 67C.414 is amended to read as follows:

- 1 (1) Any agreement reached by the negotiators shall be reduced to writing and shall be
2 executed by both parties.
- 3 (2) An agreement between the consolidated local government and a labor organization
4 shall be valid and enforced under its terms when entered into in accordance with the
5 provisions of this section and signed by the mayor of the consolidated local
6 government or the mayor's representative **and approved by resolution by the**
7 **legislative body of the consolidated local government.** No publication **of the**
8 **agreement**~~thereof~~ shall be required to make it effective. The procedure for the
9 making of an agreement between a consolidated local government and a labor
10 organization provided by this section shall be the exclusive method of making a
11 valid agreement for police officers represented by a labor organization.
- 12 (3) Suits for violation of agreements between a consolidated local government and a
13 labor organization representing police officers may be brought by the parties to the
14 agreement in the Circuit Court of the consolidated local government.