

1 A RESOLUTION urging county-level advocacy groups to review the compensation
2 of county officials whose duties are not coextensive with the Commonwealth.

3 WHEREAS, Section 99 of the Kentucky Constitution requires in each county to be
4 elected a judge of the county court, a county court clerk, a county attorney, sheriff, jailer,
5 coroner, surveyor and assessor, and in each justice's district one justice of the peace and
6 one constable; and

7 WHEREAS, in 1998 House Bill 810, the Kentucky General Assembly declared that
8 county judge/executives, county clerks, sheriffs, and jailers who operate full-service jails
9 have duties that are coextensive with the Commonwealth, and established a salary table
10 that adjusts for changes in the consumer price index; and

11 WHEREAS, the office of the county assessor has been replaced with that of the
12 property valuation administrator which is a locally elected state officer with a salary that
13 is similar to the county officials and duties that are coextensive with the state; and

14 WHEREAS, justices of the peace, magistrates, and county commissioners' salaries
15 are entirely up to the counties to decide under the guidance of KRS 64.527; and

16 WHEREAS, county attorneys receive compensation from many government entities
17 for which the county attorney performs compensable services, but for providing
18 compensable services to the county, is paid under KRS 64.530 by the fiscal court; and

19 WHEREAS, jailers who do not operate full-service jails are paid a minimum of
20 \$20,000 under KRS 441.245 by the fiscal court; and

21 WHEREAS, coroners are paid on a monthly basis by the fiscal court pursuant to
22 KRS 64.185, with a minimum set by that statute based in part as to whether the officer
23 has earned a certificate of continuing education; and

24 WHEREAS, constables are fee officers and receive fees primarily pursuant to KRS
25 64.190, but also from other sources wherein they perform compensable duties, except in
26 counties with populations wherein there are more than 250,000 residents, they receive a
27 specified base salary pursuant to KRS 64.200; and

1 WHEREAS, county surveyors are paid per service performed pursuant to KRS
2 64.320, without guidelines of any structured schedule; and

3 WHEREAS, in the landmark case *Matthews v. Allen*, the court allowed adjustments
4 in salaries to maintain the purchasing power of the dollar, outside of the proscription for
5 changes in officers' salaries during their term of office found in Section 246 of the
6 Kentucky Constitution, and this has been demarcated as the ability to adjust salaries by
7 the changes in the consumer price index as published by the United States Department of
8 Labor, Bureau of Labor Statistics for the changing valuation of the dollar;

9 NOW, THEREFORE,

10 ***Be it resolved by the Senate of the General Assembly of the Commonwealth of***
11 ***Kentucky:***

12 ➔Section 1. The Kentucky Magistrates and Commissioners Association, the
13 Kentucky County Attorneys Association, the Kentucky Jailers Association, the Kentucky
14 Coroners Association, Kentucky Constables Association, the Kentucky Association of
15 Professional Surveyors, and the Kentucky Association of Counties are encouraged to
16 confer over the 2021 interim and report to the Interim Joint Committee on Local
17 Government no later than November 1, 2021, any recommendations regarding
18 compensation issues that are identified in the statutes or the Constitution relative to the
19 local elected officials whose duties are not declared coextensive with that of the
20 Commonwealth under the provisions of KRS 64.5275 in light of Section 99 of the
21 Kentucky Constitution.

22 ➔Section 2. The Clerk of the Senate is directed to transmit a copy of this
23 Resolution to KACo President Reagan Taylor, in the care of the Kentucky Association of
24 Counties, 400 Englewood Drive, Frankfort, Kentucky 40601 for distribution to the
25 entities listed in Section 1 of this Resolution.