

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 **Section 11 of this Act** ~~[KRS 65.003(7)]~~, the legislative council of the
25 consolidated local government shall not delegate those powers to any other
26 entity or entities not a part of the legislative council of the consolidated local
27 government.

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

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

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

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

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

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

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

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

- 1 (5) The mayor is authorized to supervise, administer, and control all departments and
2 agencies as may be created by KRS 67C.101 to 67C.137 or created by ordinance.
3 The mayor shall appoint all department and agency directors. The appointees shall
4 serve at the pleasure of the mayor. Specifically, the mayor shall:
- 5 (a) Prepare and submit an annual report coinciding with the fiscal year, on the
6 state of the consolidated local government, to be presented at a public meeting
7 of the council;
 - 8 (b) Submit an annual budget no fewer than sixty (60) days prior to the end of the
9 fiscal year;
 - 10 (c) Oversee the administration and implementation of the adopted budget
11 ordinance;
 - 12 (d) Enforce the ordinances of the consolidated local government;
 - 13 (e) Supervise all officers, agents, employees, cabinets, departments, offices,
14 agencies, functions, and duties of the consolidated local government;
 - 15 (f) Call special meetings of the consolidated local government council;
 - 16 (g) Appoint and remove his or her own staff at his or her own pleasure;
 - 17 (h) Execute written contracts, subscriptions, agreements, or obligations of the
18 consolidated local government;
 - 19 (i) Approve or veto ordinances and resolutions adopted by the consolidated local
20 government council;
 - 21 (j) Submit any written contracts, subscriptions, agreements, or obligations
22 exceeding the small purchase amount established pursuant to KRS 45A.385 in
23 a resolution to the legislative council for its approval or its disapproval. Those
24 written contracts, subscriptions, agreements, or obligations awarded to the
25 lowest evaluated bid or proposal pursuant to KRS 45A.343 to 45A.460 shall
26 be excluded, unless the legislative council changes the threshold for
27 submission of a resolution. The legislative council may, by ordinance, set

1 threshold amounts other than those established by KRS 45A.385 for the small
2 purchases for submission of a resolution for its approval or disapproval; and

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

5 The deputy mayor shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and perform the functions permitted by the Constitution and general laws of the
 2 Commonwealth of Kentucky applicable to the cities of the class to which they have
 3 been assigned.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 consolidated local government council from retaining its own legal counsel ~~solely~~
2 for advice and consultation should they choose to do so.

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

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

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

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

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

26 (2) **The mayor shall make all appointments to agencies, boards, and commissions**
27 **established by statute in the manner as prescribed by statute, subject to any**

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

5 ~~—When authorized by statute, the mayor shall, subject to legislative council~~
 6 ~~approval, determine which statutorily created agencies, boards, and commissions~~
 7 ~~require legislative council approval for the appointment of members.~~

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

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

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

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

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

- 1 (1) Unless otherwise provided by law, any elected officer of a consolidated local
2 government in case of misconduct, incapacity, or willful neglect in the performance
3 of the duties of his or her office may be removed from office by the legislative
4 council, sitting as a court, under oath, upon charges preferred by the mayor or by
5 any five (5) members of the legislative council, or, in case of charges against the
6 mayor, upon charges preferred by not less than ten (10) members of the legislative
7 council. ~~[No legislative council member preferring a charge shall sit as a member of
8 the legislative council when it tries that charge.]~~
- 9 (2) No elected officer shall be removed without having been given the right to a full
10 public hearing.
- 11 (3) A decision to remove a mayor, legislative council member, or appointee to a board
12 or commission shall require a vote of two-thirds (2/3) of the total number of
13 legislative council members.
- 14 (4) Any elected officer removed from office under the provisions of this section may
15 appeal to the Circuit Court and from there to the Court of Appeals. The appeal to
16 the Circuit Court shall be taken and tried in the same manner as civil cases are tried.
- 17 (5) (a) No elected officer removed from office under this section shall be eligible to
18 fill the office vacated before the expiration of the term to which the elected
19 member was originally elected.
- 20 (b) Any appointee to a board or commission removed under this section shall not
21 be eligible for:
- 22 1. The office from which he or she was removed before five (5) years
23 following the date of his or her removal from that office; or
 - 24 2. Appointment to a board or commission described in KRS
25 67C.103(13)(f) before five (5) years following the date of his or her
26 removal from that office.

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

- 1 (1) In order to maintain the tax structure, tax rates, or level of services in the area of the
2 consolidated local government formerly comprising the city of the first class, the
3 legislative council of a consolidated local government may provide in the manner
4 described in this chapter for taxes and services within the area comprising the
5 former city of the first class which are different from the taxes and services which
6 are applicable in the remainder of the county. These differences may include
7 differences in tax rates upon the class of property which includes the surface of the
8 land, differences in ad valorem tax rates upon personal property, and differences in
9 tax rates upon insurance premiums.
- 10 (2) Any difference in the ad valorem tax rate on the class of property which includes
11 the surface of the land in the portion of the county formerly comprising the city of
12 the first class and in the portion of the county other than that formerly comprising
13 the city of the first class may be imposed directly by the consolidated local
14 government council. Any change in these ad valorem tax rates shall comply with
15 KRS 68.245, 132.010, 132.017, and 132.027 and shall be used for services as
16 provided by KRS 82.085.
- 17 (3) If the consolidated local government council determines to provide for tax rates
18 applicable to health insurance premiums and personal property which are different
19 in the area formerly comprising the city of the first class than the rates applicable in
20 the remainder of the county, it shall do so in the following manner. The
21 consolidated local government council shall by ordinance create a tax district to be
22 known as the "urban service tax district" bounded by the former boundaries of the
23 former city of the first class. The ordinance shall designate the number of members
24 of the board of this taxing district and the manner in which they shall be appointed.
25 The ordinance shall provide that the board of the taxing district shall receive the
26 income derived from the differential in tax rate applicable in the area formerly
27 comprising the city of the first class with respect to personal property, health

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 67C.327. An appeal to the board of a dismissal, demotion, or forty (40) hour or
2 more suspension of a nonprobationary officer shall be heard by the full board. The
3 board shall give notice and hold a public hearing. After the hearing, the board shall
4 retire in executive session to discuss the evidence introduced at the hearing and to
5 make its determination and conclusion. While in executive session, the board shall
6 not receive any further evidence or communication from any source prior to
7 reaching its determination and conclusion. The board, while in executive session,
8 may request and receive legal advice from board counsel on specific legal issues
9 which may arise during deliberations. If a majority of the members of the board are
10 of the opinion that the action of the chief or the chief's designee is unjustified or
11 unsupported by proper evidence, the order of the chief or the chief's designee may
12 be set aside and revoked by the board, and the board may impose the penalty or
13 punishment it deems necessary and appropriate, if any; provided however, the board
14 shall not impose a penalty or punishment in excess of the action of the chief or the
15 chief's designee. No officer shall be removed or dismissed except as provided for in
16 this section.

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

1 party shall have fifteen (15) days from the date the recommended order is mailed
2 within which to file exceptions to the recommendations with the board. The board
3 shall consider the record including the recommended order in any exceptions duly
4 filed to a recommended order, and accept and adopt or reject or modify, in whole or
5 in part, the recommended order, or remand the appeal of the matter, in whole or in
6 part, to the hearing officer for further proceedings as appropriate. The final order of
7 the board shall be in writing. If the final order differs from the recommended order,
8 it shall include separate statements of findings of fact and conclusions of law. The
9 board shall render a final order in an administrative hearing within thirty (30) days
10 after receipt of the hearing officer's recommended order.

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

20 (b) The judgment of the Circuit Court shall be subject to appeal to the Court of
21 Appeals. The procedure as to the appeal to the Court of Appeals shall be the
22 same as in any civil action.

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

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

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