

1 AN ACT relating to vacancies in office.

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. Any changes made to alter the boundaries of council districts
13 shall be based on the population of the county as determined by the most recent
14 United States Census or official census estimates as provided by the United States
15 Bureau of the Census.
- 16 (3) Following the official publication of each decennial census by the United States
17 Bureau of the Census for the area embraced by a consolidated local government, the
18 council shall adopt an ordinance, if necessary, to redistrict the council districts. A
19 redistricting ordinance shall provide for the distribution of population among the
20 council districts as nearly equal as is reasonably possible. Every council district
21 shall be compact and contiguous and shall respect existing neighborhood,
22 community, and city boundaries whenever possible.
- 23 (4) The consolidated local government council members shall serve for a term of four
24 (4) years beginning on the first Monday in January following their election, except
25 that the initial election of council members shall be in a manner as to provide for
26 staggered terms for council members. At the initial election of the members of a
27 consolidated local government council, those representing even-numbered districts

- 1 shall be elected for a two (2) year term. Those representing odd-numbered districts
2 shall be elected for a four (4) year term. Thereafter, all council members shall be
3 elected for four (4) year terms.
- 4 (5) The members of a consolidated local government council shall be nominated and
5 elected from the district in which they reside in partisan elections. After the initial
6 terms of office of the first elected council members, council members shall be
7 elected in the same election years as other local government officials as regulated
8 by the regular election laws of the Commonwealth and as provided in subsection
9 (4) of this section.
- 10 (6) No person shall be eligible to serve as a member of a consolidated local government
11 council unless he or she is at least eighteen (18) years old, a qualified voter, and a
12 resident within the territory of the consolidated local government and the district
13 that he or she seeks to represent for at least one (1) year immediately prior to the
14 person's election. A council member shall continue to reside within the district from
15 which he or she was elected throughout the term of office.
- 16 (7) The presiding officer of a consolidated local government council shall be a
17 president who shall be chosen annually by a majority vote of the entire council from
18 among its members at the first meeting of the council in January. The council
19 president has the right to introduce any resolution or recommend any ordinance and
20 shall be entitled to vote on all matters.
- 21 (8) The consolidated local government council shall upon notice meet within seven (7)
22 days after its members have taken office, and shall thereafter hold at least one (1)
23 regular meeting per month. No newspaper notice shall be required for regular or
24 special meetings of the consolidated local government council. However, notice of
25 all meetings of the council and all meetings of committees of the council shall be
26 held pursuant to KRS 61.805 to 61.850.
- 27 (9) A majority of the members of the consolidated local government council shall

1 constitute a quorum, but a smaller number may adjourn from day to day. The
 2 consolidated local government council may enforce the attendance of members by
 3 rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the
 4 entire membership of the council may call a special meeting at any time. Meetings
 5 shall be held in such places in the county as are provided by ordinance, and the
 6 place of meetings shall not be changed except by an ordinance for which two-thirds
 7 (2/3) of the members of the consolidated local government council have voted.

8 (10) The council shall determine its own rules and order of business, and keep and
 9 provide a public record of its proceedings. The council shall provide for the
 10 publication of all ordinances in a composite code of ordinances.

11 (11) Council ordinances that prescribe penalties for their violation shall be enforced
 12 through the entire area of the consolidated local government unless:

13 (a) Otherwise provided by statute; or

14 (b) The legislative body of any city within the consolidated local government area
 15 has adopted an ordinance pertaining to the same subject matter that is the
 16 same as or more stringent than the standards set forth in the consolidated local
 17 government's ordinance.

18 (12) (a) In the case of a vacancy on the consolidated local government council by
 19 reason of death, resignation, or removal, **an election shall be held to fill the**
 20 **unexpired term, unless paragraph (c) of this subsection applies**~~the council~~
 21 ~~by majority vote of the membership of the council shall elect a qualified~~
 22 ~~resident of the council district not later than thirty (30) days after the date the~~
 23 ~~vacancy occurs. Should the council fail to elect, by majority vote of the~~
 24 ~~membership of the council, a qualified person to fill the vacancy within thirty~~
 25 ~~(30) days, the mayor of the consolidated local government shall fill the~~
 26 ~~vacancy by appointment of a qualified person for the unexpired term]. **The**~~
 27 **county clerk shall be responsible for administering the election. The**

1 *election shall proceed as follows:*

2 *1. The presiding officer of the council shall declare the position vacant*
3 *and issue a writ of election within twenty-four (24) hours of the*
4 *occurrence of the vacancy.*

5 *2. The writ shall be signed by the presiding officer, shall designate the*
6 *day for holding the election, and shall be delivered to the sheriff.*

7 *3. Candidates for the unexpired term shall file petitions of nomination*
8 *with the county clerk not later than ten (10) days following the*
9 *declaration of vacancy and the election shall be held sixty (60) days*
10 *after the declaration of vacancy, unless paragraph (b) of this*
11 *subsection applies.*

12 *4. The successful candidate elected to fill an unexpired term in the office*
13 *of consolidated local government council member shall take office*
14 *immediately upon certification of the election results and*
15 *administration of the oath of office.*

16 *(b) If the unexpired term will not end at the next regular election, and if less*
17 *than three (3) months intervene before that regular election, the unexpired*
18 *term shall be filled on the date set for the regular election. In the*
19 *preparation of ballots, candidates for full terms shall be grouped together,*
20 *and candidates for unexpired terms shall be grouped together, under*
21 *appropriate headings, so that the voter may easily distinguish the candidates*
22 *for full terms from the candidates for unexpired terms.*

23 *(c) If the unexpired term will end at the next regular election, and if less than*
24 *three (3) months intervene before that regular election, the presiding officer*
25 *of the council shall appoint a qualified person to fill the vacancy and serve*
26 *the remainder of the term. The presiding officer shall not appoint a*
27 *qualified person to fill the unexpired term that will also appear on the ballot*

1 *as a candidate for the full 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, appointee, or former officer or
5 appointee to a board or commission described in subsection (13)(f) of
6 this section or any department or division of the consolidated local
7 government to appear before the committee and to compel the
8 submission to the committee of any work papers or documents pertinent
9 to an independent audit or investigation. Any subpoenas issued or
10 testimony compelled shall be subject to any relevant statutes concerning
11 privacy. Testimony subject to KRS 61.810 shall only be taken in
12 executive session. The right to privacy or the requirement that testimony
13 be taken in executive session may be waived by the person or entity
14 being subpoenaed or compelled to 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 65.003(7),
8 the legislative council of the consolidated local government shall not delegate
9 those powers to any other entity or entities not a part of the legislative council
10 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
14 of the adoption of the consolidated local government and the county.

15 ➔Section 2. KRS 118.740 is amended to read as follows:

16 (1) A copy of a proclamation issued under KRS 118.710 or 118.720, or a writ of
17 election issued under Section 1 of this Act, KRS 63.200, 118.730, 120.205, or
18 120.215 shall be forwarded by mail to the sheriff of each county in the district in
19 which the election is to be held, at least fifty-six (56) days before the election. The
20 sheriff of each county in which an election is to be held shall give notice at least
21 forty-nine (49) days before the day of election. If, from any cause, the sheriff
22 cannot properly act, he or she shall immediately hand the writ or proclamation to
23 the person authorized to act in his or her place.

24 (2) If a special election is administered under KRS 118.730(2), the notice required by
25 subsection (1) of this section shall include the location of the election.