

1 AN ACT relating to local entities and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 64.5277 is amended to read as follows:

4 As used in KRS 64.5277 to 64.5279:

5 (1) "City" means:

6 (a) Any city of any class;

7 (b) An urban-county government that does not participate in the county officers  
8 training program under KRS 64.5275; and

9 (c) A consolidated local government that does not participate in the county  
10 officers training program under KRS 64.5275;

11 (2) "City officer" means:

12 (a) Any individual elected to a city office existing under KRS Chapter 83A;

13 (b) Any individual elected to a city office existing under KRS Chapter 67A or  
14 67C, if the respective government does not participate in the county officers  
15 training program under KRS 64.5275;

16 (c) Any individual appointed to fill a vacancy in an elected city office as defined  
17 under paragraph (a) or (b) of this subsection; and

18 (d) Any individual serving in a nonelected city office as defined by KRS 83A.080  
19 that is designated by the city as eligible for participation in the city officers  
20 training program in the ordinance adopted pursuant to KRS 64.5278;

21 (3) **"Excess credit hours" means credit hours earned beyond fifteen (15) during a**  
22 **calendar year;**

23 **(4)** "Training incentive multiplier" means a number of one (1) to four (4) that is used to  
24 calculate the final training incentive to be paid to a city officer eligible to participate  
25 in the training incentive program; and

26 **(5)**~~**(4)**~~ "Training unit" means fifteen (15) clock hours of attendance or participation  
27 in qualifying courses during a calendar year.

1       ➔Section 2. KRS 64.5278 is amended to read as follows:

- 2       (1) Any city may elect, by adopting an ordinance meeting the requirements of this  
3       section, to establish an incentive program for city officers to obtain educational  
4       training related to their duties and responsibilities as city officers and the functions  
5       of city governments.
- 6       (2) The ordinance shall apply to all elected city officers within the city, and the city  
7       may allow any nonelected city officer holding an office existing or created under  
8       KRS 83A.080 to participate in the incentive program.
- 9       (3) The ordinance shall ***establish*** ~~designate~~ a base  ~~training~~ incentive  ~~payment~~  
10       amount that shall be awarded to the city officer for the completion of a training  
11       unit during service as a city officer within the city. ***The city may establish a***  
12       ***different*** ~~This~~ base incentive  ~~payment~~ amount ***for each type of city officer***  
13       ***covered under the ordinance*** ~~shall be no less than one hundred dollars (\$100) and~~  
14        ~~no more than five hundred dollars (\$500)~~. The ***base*** ~~training~~ incentive  ~~payment~~  
15       amount established in the ordinance shall not be adjusted by any index reporting  
16       changes to consumer prices or any other method to account for inflation.
- 17       (4) The ordinance shall require city officers to complete a number of continuing  
18       education hours equal to at least one (1) training unit during each calendar year in  
19       order to receive a training incentive payment.
- 20       (5) The ordinance shall state that the city shall award the training incentive payment to  
21       the city officer for the completion of a training unit during the calendar year. The  
22       training incentive payment awarded shall be the base  ~~training~~ incentive  
23       ***amount*** ~~payment~~ multiplied by the training incentive multiplier earned by the city  
24       officer. The city officer shall accumulate no more than one (1) training incentive  
25       multiplier per calendar year of continuous service, for a maximum of four (4)  
26       training incentive multipliers.
- 27       (6) The ordinance shall provide that a city officer who fails to earn at least one (1)

1 training unit in any calendar year shall receive no training incentive payment for  
2 that calendar year and shall have his or her training incentive multiplier reset to one  
3 (1) for the following year.

4 (7) The ordinance may permit the city officer to carry forward no more than fifteen  
5 (15) hours of excess credit hours earned in one (1) calendar year to apply to the  
6 minimum fifteen (15) hours training unit required in the next calendar year.†  
7 ~~"Excess hours" means credit hours earned beyond fifteen (15) during a single~~  
8 ~~calendar year.†~~

9 (8) The ordinance shall require the city officer to present proof of his or her completion  
10 of the annual training unit and shall establish the time that the city officers shall  
11 receive their training incentive payments.

12 (9) Each city shall, in the ordinance establishing the city officers training program,  
13 establish a policy regarding the reimbursement to the city officer, or payment to the  
14 provider for the city officer's attendance of an event hosting a course where the  
15 officer seeks to earn credit.

16 (10) The ordinance shall specify criteria for the presentation of proof of attendance by  
17 city officers and the criteria for the evaluation of a course's relevance to the duties  
18 and functions of city officers and the functions of city governments. In addition to  
19 other courses that may be deemed relevant by the city, courses that provide  
20 instruction on statutory powers and duties of cities and city officers,  
21 intergovernmental relationships, municipal finance and budgeting, municipal  
22 taxation, ethics, open records, open meetings, economic development, or municipal  
23 police powers shall satisfy the criteria established in the ordinance.

24 ➔Section 3. KRS 45A.380 is amended to read as follows:

25 A local public agency may contract or purchase through noncompetitive negotiation only  
26 when a written determination is made that competition is not feasible and it is further  
27 determined in writing by a designee of the local public agency that:

- 1 (1) An emergency exists which will cause public harm as a result of the delay in  
2 competitive procedures;
- 3 (2) There is a single source within a reasonable geographical area of the product or  
4 service to be procured;
- 5 (3) The contract is for the services of a licensed professional, such as attorney,  
6 physician, psychiatrist, psychologist, certified public accountant, registered nurse,  
7 or educational specialist; a technician such as a plumber, electrician, carpenter, or  
8 mechanic; or an artist such as a sculptor, aesthetic painter, or musician, provided,  
9 however, that this provision shall not apply to architects or engineers providing  
10 construction management services rather than professional architect or engineer  
11 services;
- 12 (4) The contract is for the purchase of perishable foods, such as meat, fish, poultry, egg  
13 products, fresh vegetables, and fresh fruits;
- 14 (5) The contract is for replacement parts where the need cannot be reasonably  
15 anticipated and stockpiling is not feasible;
- 16 (6) The contract is for proprietary items for resale;
- 17 (7) In school districts the contract relates to an enterprise in which the buying or selling  
18 by students is a part of the educational experience;
- 19 (8) The contract or purchase is for expenditures made on authorized trips outside of the  
20 boundaries of the local public agency;
- 21 (9) The contract is for the purchase of supplies which are sold at public auction or by  
22 receiving sealed bids;
- 23 (10) The contract is for group life insurance, group health and accident insurance, group  
24 professional liability insurance, worker's compensation insurance, and  
25 unemployment insurance;
- 26 (11) The contract is for a sale of supplies at reduced prices that will afford a purchase at  
27 savings to the local public agency;~~[-or]~~

1 (12) The contract is with a private real estate developer and contains a requirement:

2 (a) That the developer increase the size or otherwise improve the collection  
3 capacity of the sanitary sewer or storm water pipe serving the affected private  
4 real estate development; and

5 (b) That the local public agency pay only the proportional cost of increasing the  
6 size, or otherwise improving the collection capacity, of the sanitary sewer or  
7 storm water pipe over the original collection capacity; or

8 **(13) The contract is for the purchase of used vehicles or used equipment and the**  
9 **purchase price does not exceed seventy-five percent (75%) of the manufacturer's**  
10 **suggested retail price for the model year for a vehicle or date of manufacture for**  
11 **equipment for the same or similar vehicles or equipment.**

12 ➔Section 4. KRS 424.260 is amended to read as follows:

13 (1) Except where a statute specifically fixes a larger sum as the minimum for a  
14 requirement of advertisement for bids, ~~a~~~~no~~ city, county, or district, or board or  
15 commission of a city or county, or sheriff or county clerk, **shall not**~~may~~ make a  
16 contract, lease, or other agreement for:

17 (a) Materials;

18 (b) Supplies, except **for supplies that are:**

19 **1.** Perishable foods such as meat, poultry, fish, egg products, fresh  
20 vegetables, and fresh fruits; or

21 **2. Sold at public auction;**

22 (c) Equipment, **except used vehicles and used equipment if the purchase price**  
23 **does not exceed seventy-five percent (75%) of the manufacturer's suggested**  
24 **retail price for the model year for a vehicle or date of manufacture for**  
25 **equipment for the same or similar vehicles or equipment;** or

26 (d) Contractual services other than professional;

27 involving an expenditure of more than forty thousand dollars (\$40,000) without first

1 making newspaper advertisement for bids. This subsection shall not apply to the  
2 transfer of property between governmental agencies as authorized in KRS  
3 82.083(4)(a).

4 (2) If the fiscal court requires that the sheriff or county clerk advertise for bids on  
5 expenditures of less than forty thousand dollars (\$40,000), the fiscal court  
6 requirement shall prevail.

7 (3) (a) Nothing in this statute shall limit or restrict the ability of a local school district  
8 to acquire supplies and equipment outside of the bidding procedure if those  
9 supplies and equipment meet the specifications of the contracts awarded by  
10 the Office of Material and Procurement Services in the Office of the  
11 Controller within the Finance and Administration Cabinet or a federal, local,  
12 or cooperative agency and are available for purchase elsewhere at a lower  
13 price. A board of education may purchase those supplies and equipment  
14 without advertising for bids if, prior to making the purchases, the board of  
15 education obtains certification from the district's finance or purchasing officer  
16 that the items to be purchased meet the standards and specifications fixed by  
17 state price contract, federal (GSA) price contract, or the bid of another school  
18 district whose bid specifications allow other districts to utilize their bids, and  
19 that the sales price is lower than that established by the various price contract  
20 agreements or available through the bid of another school district whose bid  
21 specifications would allow the district to utilize their bid.

22 (b) The procedures set forth in paragraph (a) of this subsection shall not be  
23 available to the district for any specific item once the bidding procedure has  
24 been initiated by an invitation to bid and a publication of specifications for  
25 that specific item has been published. In the event that all bids are rejected,  
26 the district may again avail itself of the provisions of paragraph (a) of this  
27 subsection.

- 1 (4) This requirement shall not apply in an emergency if the chief executive officer of  
2 the city, county, or district has duly certified that an emergency exists, and has filed  
3 a copy of the certificate with the chief financial officer of the city, county, or  
4 district, or if the sheriff or the county clerk has certified that an emergency exists,  
5 and has filed a copy of the certificate with the clerk of the court where his necessary  
6 office expenses are fixed pursuant to KRS 64.345 or 64.530, or if the  
7 superintendent of the board of education has duly certified that an emergency  
8 exists, and has filed a copy of the certificate with the chief state school officer.
- 9 (5) The provisions of subsection (1) of this section shall not apply for the purchase of  
10 wholesale electric power for resale to the ultimate customers of a municipal utility  
11 organized under KRS 96.550 to 96.900.
- 12 (6) Subsection (1) of this section shall not apply to purchases for products or services  
13 made pursuant to KRS 82.084.

14 ➔Section 5. KRS 75.031 is amended to read as follows:

- 15 (1) (a) 1. Upon creation of a fire protection district or a volunteer fire department  
16 district as provided in KRS 75.010, the affairs of the district shall be  
17 conducted by the board of trustees consisting of seven (7) members,  
18 four (4) to be elected by the members of the district as hereinafter set out  
19 and three (3) to be appointed by the county judge/executive or *the*  
20 mayor in a consolidated local government pursuant to the provisions of  
21 KRS 67C.139.
- 22 2. Two (2) members of the board of trustees shall be elected by the  
23 members of the firefighters of the district and shall be *full-time paid*  
24 *employees of the district or* members of the district *who personally*  
25 *reside in the district.*
- 26 3. Two (2) members of the board of trustees shall be property owners who  
27 own real or personal property which is subject to the fire protection tax

1           pursuant to KRS 75.040, who personally reside in the district, and who  
2           are not active firefighters and shall be elected by the property owners of  
3           the district. Property owners voting to select representatives to the board  
4           of trustees shall have attained the age of eighteen (18).

5           4. The county judge/executive of the county in which the greater part of  
6           the district is located shall, with the approval of the fiscal court, appoint  
7           three (3) members of the board of trustees *who personally reside in the*  
8           *district*. In counties containing a city of the first class, trustees appointed  
9           by the county judge/executive to serve in volunteer fire prevention  
10          districts shall reside within the boundaries of that county. In counties  
11          governed by a consolidated local government, trustees appointed by the  
12          mayor to serve in volunteer fire prevention districts shall reside within  
13          the boundaries of the consolidated local government.

14          5. At the first election held after the district is formed, one (1) firefighter  
15          shall be elected to serve on the board of trustees for a period of one (1)  
16          year and one (1) for a period of three (3) years, and one (1)  
17          nonfirefighter property owner shall be elected to serve on the board of  
18          trustees for a period of two (2) years and one (1) for a period of four (4)  
19          years. On the expiration of the respective terms, the successor to each  
20          shall have the same qualifications as his or her predecessor and shall be  
21          elected for a term of four (4) years. The original appointed members of  
22          the board of trustees shall be appointed for terms of one (1), two (2), and  
23          three (3) years respectively. On the expiration of the respective terms,  
24          the successors to each shall be appointed for a term of three (3) years.

25          6. Upon the establishment of a consolidated local government, incumbent  
26          members shall continue to serve until the expiration of their current term  
27          of office.

- 1           **Z.** In the event of a vacancy in the term of an appointed or elected trustee,  
2           the county judge/executive shall appoint with the approval of the fiscal  
3           court a trustee for the remainder of the term, except in a county  
4           containing a consolidated local government. In a county containing a  
5           consolidated local government, the mayor pursuant to the provisions of  
6           KRS 67C.139 shall appoint a trustee for the remainder of the term.
- 7           (b) An appointed trustee may be removed from office as provided by KRS  
8           65.007.
- 9           (c) **1.** No person shall be an elected trustee who **is not a resident of the**  
10           **district, except as provided in subsection (1)(a)2. of this section, and**  
11           **who,** at the time of his or her election, is not a citizen of Kentucky and  
12           has not attained the age of twenty-one (21).
- 13           **2. Except for trustees elected under subsection (1)(a)2. of this section, a**  
14           **vacancy shall be declared to exist if an elected trustee no longer**  
15           **resides within the boundaries of the district at any time during his or**  
16           **her term of office.**
- 17           (d) Unless otherwise provided by law, an elected firefighter trustee may be  
18           removed from office by the mayor of a consolidated local government, or in a  
19           county not containing a consolidated local government, by the county  
20           judge/executive of the county in which the greater part of the district is  
21           located. An elected firefighter trustee may be removed after a hearing with  
22           notice as required by KRS Chapter 424, for inefficiency, neglect of duty,  
23           malfeasance, or conflict of interest. The hearing shall be initiated and chaired  
24           by the county judge/executive of a county or the mayor of a consolidated local  
25           government, who shall prepare a written statement setting forth the reasons  
26           for removal. The trustee to be removed shall be notified of his or her proposed  
27           removal and the reasons for the proposed removal by registered mail sent to

1 his or her last known address at least ten (10) days prior to the hearing. The  
2 person proposed to be removed may employ counsel to represent him or her.  
3 A record of the hearing shall be made by the county judge/executive or mayor  
4 respectively.

5 (e) The removal of an elected firefighter trustee of a fire protection district shall  
6 be subject to the approval of the fiscal court of the county in which the greater  
7 part of the district is located in those counties not containing a consolidated  
8 local government or the legislative council in a county containing a  
9 consolidated local government.

10 (f) An elected firefighter trustee removed pursuant to paragraphs (d) and (e) of  
11 this subsection may appeal, within ten (10) days of the rendering of the  
12 decision of the fiscal court or legislative council, respectively, to the Circuit  
13 Court of the county in which the greater part of the district is located. The  
14 scope of the appeal shall be limited to whether the county judge/executive,  
15 mayor, legislative council, or the fiscal court respectively, abused their  
16 discretion in removing the trustee.

17 (2) The elective offices of members of the board of trustees shall be filled by an  
18 election to be held once each year on the fourth Saturday of June between the hours  
19 of 11:00 a.m. and 2:00 p.m. The polls shall be located at the principal fire house in  
20 the district. The date, time, and place of the election shall be advertised in  
21 accordance with KRS 424.120. This notice shall be advertised at least thirty (30)  
22 days prior to the election date and shall include the names and addresses of the  
23 candidates to be voted on for each position of trustee. In lieu of the published notice  
24 for the election of the firefighter trustees, written notice containing the information  
25 required to be advertised may be sent by first-class mail to each member of the  
26 firefighters of the fire protection district or volunteer fire department district,  
27 addressed to the firefighter at his or her residence, at least thirty (30) days prior to

1 the election date. The nominations for candidates for trustees both representing the  
2 firefighters and the property owners residing in the district shall be made in  
3 accordance with the bylaws of the department. The terms of the three (3) trustees  
4 appointed by the county judge/executive or mayor shall start at the same time as the  
5 terms of the elected trustees. On or before the beginning of the second fiscal or  
6 calendar year, depending on which basis the fire protection or volunteer fire  
7 department district is being operated, after June 16, 1966, all departments organized  
8 prior to June 16, 1966, shall increase their boards of trustees from three (3) to seven  
9 (7) members and elect the elective members in the manner set forth herein.

10 (3) The trustees shall elect from their number a chairman, a secretary, and a treasurer,  
11 the latter of whom shall give bond in an amount as shall be determined by the  
12 county judge/executive of the county in which the greater part of the fire protection  
13 district is located or the mayor in a consolidated local government, conditioned  
14 upon the faithful discharge of the duties of his or her office, and the faithful  
15 accounting for all funds which may come into his or her possession as treasurer.  
16 The premiums on the bonds shall be paid out of the funds of the district.

17 ➔Section 6. KRS 273.207 is amended to read as follows:

18 (1) The affairs of a corporation shall be managed by a board of directors. ***Except as***  
19 ***provided in subsection (2) of this section,*** directors need not be residents of this  
20 state or members of the corporation unless the articles of incorporation or the  
21 bylaws so require. The articles of incorporation or the bylaws may prescribe other  
22 qualifications for directors.

23 (2) ***The members of the board of directors of a fire department organized under this***  
24 ***chapter shall be residents of the geographic area served by the corporation. A***  
25 ***vacancy shall be declared to exist if a member no longer resides within the***  
26 ***geographic area served by the corporation at any time during his or her term of***  
27 ***office.***

1           ➔Section 7. On the effective date of this section of this Act:

2           (1) A vacancy shall be declared to exist in the office of any board of trustees  
3 member serving under Section 5 of this Act who does not qualify under subsection  
4 (1)(a)2. of Section 5 of this Act, and the vacancy shall be filled in accordance with  
5 Section 5 of this Act; and

6           (2) A vacancy shall be declared to exist in the office of any board of director  
7 member serving under Section 6 of this Act who does not personally reside in the  
8 geographic area served by the corporation, and the vacancy shall be filled in accordance  
9 with KRS 273.213.

10          ➔Section 8. Whereas it is critical to ensure the representation of residents served  
11 by fire protection entities, an emergency is declared to exist, and Sections 5, 6, and 7 of  
12 this Act take effect upon its passage and approval by the Governor or upon its otherwise  
13 becoming a law.