

Section 2:

Starting after January 1, 2023, mayors shall not serve more than two terms.

For mayors, of a consolidated local government, elected after January 1, 2023, the term limits are decreased from three to two consecutive terms.

Section 3:

Deletes wording forbidding annexation for a 12 years after the adoption of a consolidated city government within a county containing a first class city by any city remaining in the county.

With the approval of the consolidated local government’s legislative council, residents may establish new cities within the consolidated local government. The city shall not be within the boundaries of any current incorporated city. Approval shall be in the form of a resolution. If the initiating petition is signed by 75% or more, the council **shall** approve the proposed incorporation. If less than 75%, the council **may** approve the proposed incorporation.

Any proposed annexation by a city within a county containing a consolidated government must be approved by the consolidated legislative council. The approval must be by ordinance. If the ordinance is accompanied by a petition in favor of the annexation is signed by 75% of more of the residents, the consolidated government legislative council shall approve the annexation. The ordinance approval is not subject to veto by the mayor.

Section 4:

Provides that the county attorney may provide only an *advisory* opinion to the legislative body of the consolidated government regarding the form, legality or constitutionality of any legislative action. Prohibits the county attorney from approving legislation prior to its consideration by that legislative body.

Section 5:

The mayor shall make appointments to agencies, boards, and commissioner statute and subject to legislative body approval. The legislative body shall have 60 days to give approval to an appointment, if approval is required by law.

Section 6:

Removes language prohibiting a legislative council member preferring a charge to sit as a member of that council when the charge is tried.

Sections 7:

Requires a consolidated government to provide an annual report to the urban service tax district board and the legislative body detailing operating and capital expenditures of each service performed by the consolidated government.

Section 8:

Provides for a deputy chief or assistant chief of a consolidated local government's police force to act as a "designee" in disciplinary matters relative to removal, suspension, or reduction in grade of a nonprobationary officer.

Section 9-11:

Requires the designee to provide the chief with a copy of the written statement furnished to the officer explaining why the action is being taken. Clarifies the chief is responsible for the designee's actions.

HB 309 SCS 1 will only affect Louisville / Jefferson County Metro Government as they comprise the only consolidated local government in the Commonwealth.

Discussions were had with both the Jefferson County Clerk's Office and the Jefferson County Attorney's Office. Both offices stated no fiscal impact and the Clerk specifically stated going to a nonpartisan election for mayor would entail a slightly different ballot design, and a nonpartisan election may result in a few more people coming out to vote in the primary.

Local governments that choose to create ordinances will incur costs associated with the drafting, publication, indexing and recording of adopted ordinances, and at least every five years, review and eliminate redundant, obsolete, inconsistent, and invalid provisions.

According to Kentucky League of Cities, most cities, especially the smaller ones, retain their city attorney on contract and pay on an hourly basis. Time spent drafting an ordinance is influenced by its complexity and the amount of research that is necessary. In FY 2020, the average hourly rate was \$107. Rates for legal notices vary greatly depending on the length of the publication, the number of times it needs to be published and the newspaper in which the publication is placed. Therefore, these costs are unknown.

There will be administrative cost related to board proceedings and the recording and storage of records and documents generated by the civilian review and accountability board.

The proposal is silent as to compensation for civilian review and accountability board members and appointees.

There will be cost to Metro Government associated with providing an annual report of operating and capital expenditures to the urban service board. How much of this data can be generated with the current financial system is not known, but costs are expected to be minimum unless major programming cost are involved.

Part III: Differences to Local Government Mandate Statement from Prior Versions

HB 309 SCS 1 makes the following changes to HB 309 GA:

- deletes all of Section 1 dealing with a civilian review and accountability board and an investigatory office as they pertain to a consolidated local government;
- starting after January 1, 2023, mayors shall not serve more than two consecutive terms;
- allows for the establishment of new cities within a consolidated local government; and
- renumbers Sections 2 thru 12 to 1 thru 11.

HB 309 GA keeps most of the provisions of HB 309 HCS 1 and makes the following changes:

- returns to the original wording that the mayor shall be elected in a **partisan** election;
- deletes the requirement that there shall be no annexation for 12 years after the adoption of a consolidated local government;
- **a new Section 4 is inserted** providing that if the accompanying petition in favor of annexation by a city within the county is signed by 75% of the residence, then the consolidated government legislative council shall approve the annexation. This approval is not subject to veto by the mayor; and
- The remaining sections are renumbered due to the new Section 4.

HB 309 HCS 1 keeps the major provisions of HB 309 as introduced with the following changes:

Section 1:

- clarifies that a “board” means a governmental body;
- requires the mayor’s appointee leader of the investigatory office to be approved by the legislative body;
- removes wording requiring potential or ongoing investigations to be discussed in closed meeting and adds wording that “cases” may be discussed in closed meetings;
- deletes wording and clarifies requirements for the handling of information and records;
- all information and records provided to the board are exempt from the Kentucky Open records Act;
- clarifies that the Government Oversight and Audit Committee can compel testimony and the submission of work papers only to themselves;
- peace officers compelled to testify must do so under the provisions of KRS 15.520, may be represented by a collective bargaining entity; are subject to the fifth and Fourteenth Amendments, and may have legal counsel of their choice present. Testimony resulting from a subpoena shall be deemed coerced regarding self-incrimination protections.
- The Government Oversight and Audit Committee may turn over testimony and work papers of documents secured to the board.

Section 2:

The committee can approve legal or administrative settlements not contained within the budget involving one million dollars or greater; or consent decrees offered to be entered into by the consolidated local government. Discussions regarding settlements or consent decrees must be held in closed session. Once returning to open session, the committee shall give a summary of what occurred during the closed session.

Widens the scope of the committee's authority to compel testimony to include current appointees and former officers and appointees.

Section 3:

After January 1, 2023, the term limits for mayors are decreased from three to two consecutive terms.

Inserts a new Section 4:

Provides that the county attorney may provide only an *advisory* opinion to the legislative body of the consolidated government regarding the form, legality or constitutionality of any legislative action. Prohibits the county attorney from approving legislation prior to its consideration by that legislative body.

Section 7 (previously Section 6):

Clarifies that the annual report provided by the consolidated local government shall go to the urban services tax district board.

Sections 10-11 (previously Sections 9-10):

Conforming language regarding allowing a designee to act on his behalf of the police chief in personnel matters regarding dismissal, suspension, or demotion of a nonprobationary officer. Require the designee to provide the chief with a copy of the written statement furnished to the officer explaining why the action is being taken. Clarifies the chief is responsible for the designee's actions.

Data Source(s): LRC Staff

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