

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
21 States Bureau of the Census for the area embraced by a consolidated local government,
22 the council shall adopt an ordinance, if necessary, to redistrict the council districts. ***The***
23 ***approval for redistricting the council districts shall require a two-thirds (2/3) majority***
24 ***of the council members present in a called meeting.*** A redistricting ordinance shall
25 provide for the distribution of population among the council districts, ***and each district***
26 ***shall be within two percent (2%) of other districts in population*** ~~as nearly equal as is~~
27 ~~reasonably possible~~. Every council district shall be compact and contiguous and shall

1 respect existing neighborhood, community, and city boundaries whenever possible.

2 (4) The consolidated local government council members shall serve for a term of four
3 (4) years beginning on the first Monday in January following their election, except
4 that the initial election of council members shall be in a manner as to provide for
5 staggered terms for council members. At the initial election of the members of a
6 consolidated local government council, those representing even-numbered districts
7 shall be elected for a two (2) year term. Those representing odd-numbered districts
8 shall be elected for a four (4) year term. Thereafter, all council members shall be
9 elected for four (4) year terms.

10 (5) The members of a consolidated local government council shall be nominated and
11 elected from the district in which they reside in partisan elections. After the initial
12 terms of office of the first elected council members, council members shall be
13 elected in the same election years as other local government officials as regulated by
14 the regular election laws of the Commonwealth and as provided in subsection (4) of
15 this section.

16 (6) No person shall be eligible to serve as a member of a consolidated local government
17 council unless he or she is at least eighteen (18) years old, a qualified voter, and a
18 resident within the territory of the consolidated local government and the district
19 that he or she seeks to represent for at least one (1) year immediately prior to the
20 person's election. A council member shall continue to reside within the district from
21 which he or she was elected throughout the term of office.

22 (7) The presiding officer of a consolidated local government council shall be a
23 president who shall be chosen annually by a majority vote of the entire council from
24 among its members at the first meeting of the council in January. The council
25 president has the right to introduce any resolution or recommend any ordinance and
26 shall be entitled to vote on all matters.

27 (8) The consolidated local government council shall upon notice meet within seven (7)

1 days after its members have taken office, and shall thereafter hold at least ***one***
2 ***(1)***~~two (2)~~ regular ***meeting***~~meetings~~ per month. No newspaper notice shall be
3 required for regular or special meetings of the consolidated local government
4 council. However, notice of all meetings of the council and all meetings of
5 committees of the council shall be held pursuant to KRS 61.805 to 61.850.

6 (9) A majority of the members of the consolidated local government council shall
7 constitute a quorum, but a smaller number may adjourn from day to day. The
8 consolidated local government council may enforce the attendance of members by
9 rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the
10 entire membership of the council may call a special meeting at any time. Meetings
11 shall be held in such places in the county as are provided by ordinance, and the
12 place of meetings shall not be changed except by an ordinance for which two-thirds
13 (2/3) of the members of the consolidated local government council have voted.

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

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

19 (a) Otherwise provided by statute; or

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

24 (12) In the case of a vacancy on the consolidated local government council by reason of
25 death, resignation, ~~for~~ removal, ***or gubernatorial appointment to the office of***
26 ***mayor pursuant to subsection (6) of Section 2 of this Act, a special election shall***
27 ***be held to complete the term of office for the vacated seat. This special election***

1 shall occur within ninety (90) days of declaration of the vacancy~~[the council by~~
 2 ~~majority vote of the membership of the council shall elect a qualified resident of the~~
 3 ~~council district not later than thirty (30) days after the date the vacancy occurs.~~
 4 ~~Should the council fail to elect, by majority vote of the membership of the council, a~~
 5 ~~qualified person to fill the vacancy within thirty (30) days, the mayor of the~~
 6 ~~consolidated local government shall fill the vacancy by appointment of a qualified~~
 7 ~~person for the unexpired term].~~

8 (13) All legislative powers of a consolidated local government are vested in the
 9 consolidated local government council. The term "legislative power" is to be
 10 construed broadly and shall include the power to:

- 11 (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by
 12 a two-thirds (2/3) majority of the membership of the legislative council;
- 13 (b) Review the budgets of and appropriate money to the consolidated local
 14 government;
- 15 (c) Adopt a budget ordinance;
- 16 (d) Levy taxes, subject to the limitations of the Constitution and the laws of the
 17 Commonwealth of Kentucky;
- 18 (e) Establish standing and temporary committees;~~[and]~~
- 19 (f) Make independent audits and investigations concerning the affairs of the
 20 consolidated local government and any agency, board, or commission that:

21 1. Is composed of members who are appointed by the mayor and
 22 approved by the legislative council; or

23 2. Has a budget that is equal to or greater than one million dollars
 24 (\$1,000,000.00), except that this subparagraph shall not apply to any
 25 fee officer elected within the consolidated local government; and

26 (g) 1. Compel testimony and the submission of work papers or documents;

27 2. Issue subpoenas to compel any officer of or appointee to an agency,

1 board, or commission described in paragraph (f) of this subsection to
 2 appear before the legislative council or an established committee
 3 thereof and to compel the submission to the legislative council or an
 4 established committee thereof of any work papers or documents
 5 pertinent to an independent audit or investigation;

6 3. Petition the appropriate Circuit Court to compel obedience by
 7 proceedings for contempt as in the case of disobedience of a subpoena
 8 issued from the Circuit Court or a refusal to testify therein, if any
 9 officer or appointee fails or refuses to testify or furnish the work
 10 papers or documents subpoenaed;

11 4. Administer oaths to witnesses appearing before the legislative council
 12 or an established committee of the legislative council when the
 13 legislative council or an established committee of the legislative
 14 council deems the administration of an oath necessary and advisable
 15 as provided by law. This decision to administer oaths shall be taken by
 16 a majority vote of the legislative council or an established committee
 17 of the legislative council; and

18 5. Adopt by resolution any process or procedures deemed necessary for
 19 the administration of subpoenas and oaths.

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

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

25 (1) All executive and administrative power of the government shall be vested in the
 26 office of the mayor. The term "executive and administrative power" shall be
 27 construed broadly. The mayor shall be the chief executive of a consolidated local

1 government formed under the provisions of KRS 67C.101 to 67C.137.

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

5 **(b)** The mayor shall assume office on the first Monday in January following his or
6 her election and~~[. He or she]~~ shall serve until a successor qualifies.

7 **(c) Except as provided in paragraph (d) of this subsection, the mayor**~~[and]~~ may
8 serve for no more than three (3) consecutive terms, after which time he or she
9 shall be prohibited from running for election or being appointed as mayor for
10 a period of at least four (4) years.

11 **(d) Beginning January 1, 2019, the mayor may serve for no more than two (2)**
12 **consecutive terms, after which time he or she shall be prohibited from**
13 **running for election or being appointed as mayor for a period of at least**
14 **four (4) years.**

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

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

24 (5) The mayor is authorized to supervise, administer, and control all departments and
25 agencies as may be created by KRS 67C.101 to 67C.137 or created by ordinance.
26 The mayor shall appoint all department and agency directors. The appointees shall
27 serve at the pleasure of the mayor. Specifically, the mayor shall:

- 1 (a) Prepare and submit an annual report coinciding with the fiscal year, on the
 2 state of the consolidated local government, to be presented at a public meeting
 3 of the council;
- 4 (b) Submit an annual budget no fewer than sixty (60) days prior to the end of the
 5 fiscal year;
- 6 (c) Oversee the administration and implementation of the adopted budget
 7 ordinance;
- 8 (d) Enforce the ordinances of the consolidated local government;
- 9 (e) Supervise all officers, agents, employees, cabinets, departments, offices,
 10 agencies, functions, and duties of the consolidated local government;
- 11 (f) Call special meetings of the consolidated local government council;
- 12 (g) Appoint and remove his or her own staff at his or her own pleasure;
- 13 (h) Execute written contracts, subscriptions, agreements, or obligations of the
 14 consolidated local government; ~~and~~
- 15 (i) Approve or veto ordinances and resolutions adopted by the consolidated local
 16 government council;
- 17 (j) Submit any written contracts, subscriptions, agreements, or obligations with a
 18 value equal to or greater than fifty thousand dollars (\$50,000) for approval by
 19 the legislative council; and
- 20 (k) Appoint a deputy mayor and keep the office of deputy mayor filled
 21 throughout the mayor's term. The deputy mayor shall:
- 22 1. Meet all the qualifications for mayor established pursuant to
 23 subsection (3) of this section;
- 24 2. Serve at the mayor's pleasure and may be replaced by the mayor for
 25 any cause; and
- 26 3. Have only the duties assigned to him or her by the mayor.
- 27 (6) (a) If ~~in case~~ the office of mayor becomes vacant by reason of death, resignation,

1 or removal;

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

4 2. The deputy mayor shall serve as temporary mayor for no more than
5 thirty (30) days until the Governor appoints an individual to
6 serve as mayor. The Governor may appoint any individual,
7 including the deputy mayor, who meets the qualifications for
8 mayor established pursuant to subsection (3) of this section to
9 serve as mayor; and

10 3. The appointed mayor shall serve as mayor until the next general
11 election held for the selection of officers of the consolidated local
12 government. If that election is held before the end of the vacated
13 mayor's original term, the candidate elected shall serve for the
14 unexpired remainder of the vacated mayor's term. The deputy mayor
15 and appointed mayor are eligible to be candidates for the office of
16 mayor in this election.

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

19 1. The presiding officer of the consolidated local government council
20 shall become the temporary mayor, inheriting all powers and duties of
21 the mayor;

22 2. The presiding officer shall serve as temporary mayor for no more than
23 thirty (30) days until the Governor appoints an individual to serve as
24 mayor. The Governor may appoint any individual, including the
25 presiding officer, who meets the qualifications for mayor established
26 pursuant to subsection (3) of this section to serve as mayor; and

27 3. The appointed mayor shall serve as mayor until the next general

1 election held for the selection of officers of the consolidated local
2 government. If that election is held before the end of the vacated
3 mayor's original term, the candidate elected shall serve for the
4 unexpired remainder of the vacated mayor's term. The appointed
5 mayor and, if he or she qualifies under subsection (3) of this section,
6 the presiding officer are eligible to be candidates for the office of
7 mayor in this election], the members of the legislative council of the
8 consolidated local government shall by a majority vote of the
9 membership of the council elect a qualified person to fill the vacancy in
10 the office of the mayor not later than thirty (30) days after the date on
11 which the vacancy occurs for the unexpired term. The members of the
12 legislative body of the consolidated local government may elect one (1)
13 of their members to serve as temporary mayor until they are able to hold
14 the election to fill the vacancy for the unexpired term. If the legislative
15 council fails to elect a person to fill the vacancy within thirty (30) days
16 after the vacancy occurs, the Governor shall fill the vacancy in the office
17 by appointment of a qualified person for the unexpired term].

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

22 ➔Section 3. KRS 67C.115 is amended to read as follows:

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

- 1 (a) If a city ordinance conflicts with a county ordinance, the county ordinance
2 shall prevail and shall become effective countywide; and
- 3 (b) If a city ordinance addresses a subject matter not addressed by a county
4 ordinance, the city ordinance shall become effective countywide; and
- 5 (c) If a county ordinance addresses a subject matter not addressed by a city
6 ordinance, the county ordinance shall become effective countywide.

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

12 (2) Ordinances and resolutions of either the city of the first class or its county in
13 existence on the effective date of a local government consolidation which conflict
14 with other provisions of this chapter shall be void. Except as provided in KRS
15 67C.123(3), any ordinance, resolution, or order in effect in a city of the first class or
16 its county on the date a consolidated local government takes effect shall expire five
17 (5) years from that date unless amended or reenacted by the consolidated local
18 government.

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

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

26 (5) The county attorney shall serve as the legal advisor and representative to the
27 consolidated local government and except for those duties pertaining to fiscal court

1 set forth in KRS 69.210, the county attorney shall retain and exercise all other
2 duties, powers, and rights delegated to that office by law. **This subsection does not**
3 **prevent the consolidated local government council from retaining its own legal**
4 **counsel should it choose to do so.**

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

10 ➔Section 4. KRS 67C.131 is amended to read as follows:

11 (1) The salary of the members of the legislative council of a newly consolidated local
12 government created by the provisions of KRS 67C.101 to 67C.137 shall be eighty
13 percent (80%) of that amount that is permitted for county commissioners on July
14 14, 2000, as provided by Section 246 of the Kentucky Constitution. In order to
15 equate the compensation of legislative council members with the purchasing power
16 of the dollar, the Department for Local Government shall compute by the second
17 Friday in February of every year the annual increase or decrease in the consumer
18 price index of the preceding year. The Department for Local Government shall
19 notify the appropriate governing bodies charged by law to fix the compensation of
20 the above elected officials of the annual rate of compensation to which the elected
21 officials are entitled in accordance with the increase or decrease in the consumer
22 price index. Upon notification from the Department for Local Government, the
23 appropriate governing body may set the annual compensation of the above elected
24 officials at a rate no greater than that stipulated by the Department for Local
25 Government.

26 (2) Each legislative council member may hire one (1) full-time staff person. **In addition**
27 **to that full-time staff person, any caucus recognized by the legislative council**

1 shall hire a minimum of two (2) staff persons to meet the staffing needs of that
2 caucus and the general staffing needs of the legislative council.

3 ➔Section 5. KRS 67C.139 is amended to read as follows:

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

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

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

21 (2) (a) When authorized by statute, the mayor shall, subject to legislative council
22 approval, determine which statutorily created agencies, boards, and
23 commissions require legislative council approval for the appointment of
24 members.

25 (b) 1. Subject to legislative council approval, the mayor shall determine the
26 agencies, boards, and commissions to which legislative council
27 members shall be appointed. The mayor's determination under this

1 subparagraph shall be made in consultation with the Office of the
 2 Attorney General and shall not violate the incompatible offices
 3 prohibitions in KRS 61.080(3).

4 2. The presiding officer of the legislative council shall make all
 5 legislative council appointments to agencies, boards, and commissions
 6 from the membership of the legislative council and shall select one (1)
 7 member from each of the two (2) largest recognized caucuses within
 8 the council, subject to subparagraph 1. of this paragraph.

9 ~~[The mayor, in consultation with the legislative council, shall, when authorized by~~
 10 ~~statute, determine which agencies, boards, and commissions created by statute~~
 11 ~~shall require legislative council approval for the appointment of members to~~
 12 ~~such agencies, boards, and commissions.]~~

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

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

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

24 (1) Unless otherwise provided by law, any elected officer of a consolidated local
 25 government in case of misconduct, incapacity, or willful neglect in the performance
 26 of the duties of his or her office may be removed from office by the legislative
 27 council, sitting as a court, under oath, upon charges preferred by the mayor or by

1 any five (5) members of the legislative council, or, in case of charges against the
 2 mayor, upon charges preferred by not less than ten (10) members of the legislative
 3 council. No legislative council member preferring a charge shall sit as a member of
 4 the legislative council when it tries that charge.

5 (2) No elected officer shall be removed without having been given the right to a full
 6 public hearing.

7 (3) A decision to remove a mayor, ~~or~~ legislative council member, **or appointee to an**
 8 **agency, board, or commission** shall require a vote of two-thirds (2/3) of the total
 9 number of legislative council members sitting as a court.

10 (4) Any elected officer removed from office under the provisions of this section may
 11 appeal to the Circuit Court and from there to the Court of Appeals. The appeal to
 12 the Circuit Court shall be taken and tried in the same manner as civil cases are tried.

13 (5) **A person removed under this section shall not be eligible for the office from**
 14 **which he or she was removed before five (5) years following the date of his or her**
 15 **removal from that office**~~[No elected officer removed from office under this section~~
 16 ~~shall be eligible to fill the office vacated before the expiration of the term to which~~
 17 ~~the elected member was originally elected].~~

18 ➔Section 7. KRS 424.290 is amended to read as follows:

19 (1) Not less than three (3) days before any primary or regular election the county clerk
 20 shall cause to be published in a newspaper a copy of the face of the voting
 21 machines, or where an electronic or electromechanical voting system is used, a copy
 22 of the ballot cards or supplementary material on which appear the names of
 23 candidates or issues to be voted upon. Where the lists of candidates or issues to be
 24 voted upon differ for various precincts within the county, the county clerk shall
 25 cause to be published only one (1) set of data with appropriate notations showing
 26 the differences in the various precincts. If supplemental paper ballots have been
 27 approved as provided in KRS 118.215, the paper ballot shall be published at the

1 same time as other material required to be published by this subsection. The cost of
2 publication shall be paid by the county, urban-county, charter county,
3 consolidated local government, or unified local government, except that the cost
4 of publishing any voting data required to be published by this subsection that is
5 limited to a city election or a district election other than a school district election
6 shall be paid by the city or the district as the case may be.

7 (2) The county clerk in a county containing a consolidated local government shall
8 publish in a newspaper only the names and parties of the candidates for each
9 office, any issues to be voted upon, and the Internet Web site of the county clerk
10 where further information may be found.

11 (3) "Copy," as used in subsection (1) of this section, means a summary of candidates
12 and issues to be voted upon showing all the pertinent information that will appear,
13 upon which the voters will cast their votes at a particular polling place.