

1 AN ACT relating to consolidated local governments.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) For the purposes of this section "board" means a governmental body known as*
6 *the civilian review and accountability board established by a consolidated local*
7 *government in accordance with of this section.*

8 *(2) For the purposes of investigating and reviewing the policies, procedures, and*
9 *operations of a consolidated local government's police department, and*
10 *investigating complaints involving any member of the police in his or her*
11 *interactions with the public, the consolidated local government may establish, by*
12 *ordinance, a civilian review and accountability board to operate independently of*
13 *the police department. This board shall include but not be limited to:*

14 *(a) An investigatory office to be led by an individual appointed by the mayor*
15 *and confirmed by a resolution of the legislative body of the consolidated*
16 *local government; and*

17 *(b) A board made up of residents of the county containing the consolidated*
18 *local government to provide oversight to the leader of the investigatory*
19 *office.*

20 *(3) For a board established under subsection (2) of this section, the ordinance shall*
21 *include but not be limited to direction regarding each board's powers, duties,*
22 *membership, internal protocols, and reporting requirements. The board may*
23 *adopt bylaws, policies, and procedures to facilitate its operations that are not*
24 *inconsistent with the direction outlined in the ordinance or with state law.*

25 *(4) (a) Notwithstanding any provision of law to the contrary, the portions of the*
26 *board meetings during which a case is reviewed or discussed by board*
27 *members may be a closed session, subject to KRS 61.815(1), and shall only*

1 occur following the conclusion of an open session. At the conclusion of the
2 closed session, the board shall immediately convene an open session and
3 give a summary of what occurred during the closed session.

4 **(b) Information and record copies that are confidential under state or federal**
5 **law and are provided to the board by any agency, organization, or entity for**
6 **review shall not become the information and records of the panel and shall**
7 **not lose their confidentiality by virtue of the board's access to the**
8 **information and records. The original information and records used to**
9 **generate information and record copies provided to the board shall be**
10 **maintained by the appropriate agency in accordance with state and federal**
11 **law and shall be subject to the Kentucky Open Records Act, KRS 61.870 to**
12 **61.884. All open records requests shall be made to the appropriate agency,**
13 **not to the board or any of the board members. Information and record**
14 **copies provided to the board for review shall be exempt from the Kentucky**
15 **Open Records Act, KRS 61.870 to 61.884. At the conclusion of the board's**
16 **examination, all copies of information and records provided to the panel**
17 **involving an individual case shall be destroyed by the board.**

18 **(c) The proceedings, records, opinions, and deliberations of the board**
19 **established in subsection (2) of this section shall be privileged and shall not**
20 **be subject to discovery, subpoena, or introduction into evidence in any civil**
21 **action in any manner that would directly or indirectly identify specific**
22 **persons or cases reviewed. Nothing in this subsection shall be construed to**
23 **restrict or limit the right to discover or use in any civil action any evidence**
24 **that is discoverable independent of the proceedings of the bodies.**

25 **(d) Upon a vote by a majority of the board, the board may request the**
26 **Government Oversight and Audit Committee established in accordance with**
27 **subsection (14) of Section 2 of this Act to:**

- 1 1. Compel testimony and the submission of work papers or documents to
2 the Government Oversight and Audit Committee;
- 3 2. Issue subpoenas to compel any officer of or appointee or any
4 department or division of the consolidated local government to appear
5 before the Government Oversight and Audit Committee and to compel
6 the submission to the Government Oversight and Audit Committee of
7 any work papers or documents pertinent to a review. The following
8 shall apply to any subpoenas issued or testimony compelled:
- 9 a. Be subject to any relevant statutes concerning privacy;
- 10 b. The provisions of KRS 15.520 shall apply to any peace officer
11 compelled to testify;
- 12 c. Any person who is represented by a recognized collective
13 bargaining unit may have representatives of the collective
14 bargaining unit present;
- 15 d. Any person compelled to testify shall be deemed to be subject to
16 the Fifth and Fourteenth Amendments to the United States
17 Constitution and may have legal counsel of his or her choice
18 present;
- 19 e. Any testimony compelled in response to a subpoena shall be
20 deemed coerced for the purposes of attaching self-incrimination
21 protections;
- 22 f. Any testimony subject to KRS 61.810 shall only be taken in
23 executive session; and
- 24 g. The right to privacy or the requirement that testimony be taken
25 in executive session may be waived by the person or entity being
26 subpoenaed or compelled to testify;
- 27 3. Petition the appropriate Circuit Court to compel obedience by

1 proceedings for contempt as in the case of disobedience of a subpoena
 2 issued from the Circuit Court or a refusal to testify therein, if any
 3 officer or appointee fails or refuses to testify or furnish the work
 4 papers or documents subpoenaed; and

5 4. Administer oaths to witnesses appearing before the Government
 6 Oversight and Audit Committee when the Government Oversight and
 7 Audit Committee deems the administration of an oath necessary and
 8 advisable as provided by law.

9 The Government Oversight and Audit Committee may turn over testimony
 10 and work papers or documents secured to the board.

11 ➔Section 2. KRS 67C.103 is amended to read as follows:

12 (1) The legislative authority of a consolidated local government, except as otherwise
 13 specified in KRS 67C.101 to 67C.137, shall be vested in a consolidated local
 14 government council. The members of the council shall be nominated and elected by
 15 district. There shall be only one (1) council member elected from each council
 16 district.

17 (2) There shall be twenty-six (26) council districts. The initial boundaries, population,
 18 and numerical designation of the council districts shall be as specified by KRS
 19 67C.135. The population of the council districts shall be as nearly equal as is
 20 reasonably possible. For any newly consolidated local governments whose officials
 21 take office in 2003, upon taking office, the legislative council may take action to
 22 adjust the boundaries and population of the districts in order to equalize the
 23 population of the districts which may have changed as a result of recent census
 24 information. Any changes made to alter the boundaries of council districts shall be
 25 based on the population of the county as determined by the most recent United
 26 States Census or official census estimates as provided by the United States Bureau
 27 of the Census.

- 1 (3) Following the official publication of each decennial census by the United States
2 Bureau of the Census for the area embraced by a consolidated local government, the
3 council shall adopt an ordinance, if necessary, to redistrict the council districts. A
4 redistricting ordinance shall provide for the distribution of population among the
5 council districts as nearly equal as is reasonably possible. Every council district
6 shall be compact and contiguous and shall respect existing neighborhood,
7 community, and city boundaries whenever possible.
- 8 (4) The consolidated local government council members shall serve for a term of four
9 (4) years beginning on the first Monday in January following their election, except
10 that the initial election of council members shall be in a manner as to provide for
11 staggered terms for council members. At the initial election of the members of a
12 consolidated local government council, those representing even-numbered districts
13 shall be elected for a two (2) year term. Those representing odd-numbered districts
14 shall be elected for a four (4) year term. Thereafter, all council members shall be
15 elected for four (4) year terms.
- 16 (5) The members of a consolidated local government council shall be nominated and
17 elected from the district in which they reside in partisan elections. After the initial
18 terms of office of the first elected council members, council members shall be
19 elected in the same election years as other local government officials as regulated by
20 the regular election laws of the Commonwealth and as provided in subsection (4) of
21 this section.
- 22 (6) No person shall be eligible to serve as a member of a consolidated local government
23 council unless he or she is at least eighteen (18) years old, a qualified voter, and a
24 resident within the territory of the consolidated local government and the district
25 that he or she seeks to represent for at least one (1) year immediately prior to the
26 person's election. A council member shall continue to reside within the district from
27 which he or she was elected throughout the term of office.

- 1 (7) The presiding officer of a consolidated local government council shall be a
2 president who shall be chosen annually by a majority vote of the entire council from
3 among its members at the first meeting of the council in January. The council
4 president has the right to introduce any resolution or recommend any ordinance and
5 shall be entitled to vote on all matters.
- 6 (8) The consolidated local government council shall upon notice meet within seven (7)
7 days after its members have taken office, and shall thereafter hold at least one (1)
8 regular meeting per month. No newspaper notice shall be required for regular or
9 special meetings of the consolidated local government council. However, notice of
10 all meetings of the council and all meetings of committees of the council shall be
11 held pursuant to KRS 61.805 to 61.850.
- 12 (9) A majority of the members of the consolidated local government council shall
13 constitute a quorum, but a smaller number may adjourn from day to day. The
14 consolidated local government council may enforce the attendance of members by
15 rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the
16 entire membership of the council may call a special meeting at any time. Meetings
17 shall be held in such places in the county as are provided by ordinance, and the
18 place of meetings shall not be changed except by an ordinance for which two-thirds
19 (2/3) of the members of the consolidated local government council have voted.
- 20 (10) The council shall determine its own rules and order of business, and keep and
21 provide a public record of its proceedings. The council shall provide for the
22 publication of all ordinances in a composite code of ordinances.
- 23 (11) Council ordinances that prescribe penalties for their violation shall be enforced
24 through the entire area of the consolidated local government unless:
- 25 (a) Otherwise provided by statute; or
- 26 (b) The legislative body of any city within the consolidated local government area
27 has adopted an ordinance pertaining to the same subject matter that is the

1 same as or more stringent than the standards set forth in the consolidated local
2 government's ordinance.

3 (12) In the case of a vacancy on the consolidated local government council by reason of
4 death, resignation, or removal, the council by majority vote of the membership of
5 the council shall elect a qualified resident of the council district not later than thirty
6 (30) days after the date the vacancy occurs. Should the council fail to elect, by
7 majority vote of the membership of the council, a qualified person to fill the
8 vacancy within thirty (30) days, the mayor of the consolidated local government
9 shall fill the vacancy by appointment of a qualified person for the unexpired term.

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

13 (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by
14 a two-thirds (2/3) majority of the membership of the legislative council;

15 (b) Review the budgets of and appropriate money to the consolidated local
16 government;

17 (c) Adopt a budget ordinance;

18 (d) Levy taxes, subject to the limitations of the Constitution and the laws of the
19 Commonwealth of Kentucky;

20 (e) Establish standing and temporary committees; and

21 (f) Make independent audits and investigations concerning the affairs of the
22 consolidated local government and any board or commission that:

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

25 2. Has a budget that is equal to or greater than one million dollars
26 (\$1,000,000.00), except that this subparagraph shall not apply to any fee
27 officer elected within the consolidated local government.

- 1 (14) (a) The consolidated local government council shall establish a Government
2 Oversight and Audit Committee. This committee shall be:
- 3 1. Composed of members from each of the two (2) largest political
4 caucuses in the legislative council;
 - 5 2. Appointed by the chairs of their respective caucuses; and
 - 6 3. Composed on the basis of the proportion of each of the two (2) caucuses'
7 total membership as compared to the total membership of the legislative
8 council. Any fractional proportions shall be rounded in the favor of the
9 smallest caucus' membership on the committee.
- 10 (b) The committee shall have the power to:
- 11 1. Compel testimony and the submission of work papers or documents;
 - 12 2. Approve, prior to the offer of any:
 - 13 a. Legal or administrative settlements, not contained within the
14 enacted budget ordinance, involving one million dollars
15 (\$1,000,000) or greater; or
 - 16 b. Consent decrees offered to be entered into by the consolidated
17 local government.
- 18 The committee's approval shall be in the form of a recommendation
19 expressing acceptance of the settlement or consent decree offered by
20 the consolidated local government. Notwithstanding any provision of
21 law to the contrary, the portions of the committee meetings during
22 which a settlement or consent decree is reviewed or discussed by
23 committee members shall be a closed session, subject to KRS
24 61.815(1), and shall only occur following the conclusion of an open
25 session. At the conclusion of the closed session, the committee shall
26 immediately convene an open session and give a summary of what
27 occurred during the closed session.

- 1 3. Issue subpoenas to compel any officer,~~[of or]~~ appointee, or former
2 officer or appointee to a board or commission described in subsection
3 (13)(f) of this section or any department or division of the consolidated
4 local government to appear before the committee and to compel the
5 submission to the committee of any work papers or documents pertinent
6 to an independent audit or investigation. Any subpoenas issued or
7 testimony compelled shall be subject to any relevant statutes concerning
8 privacy. Testimony subject to KRS 61.810 shall only be taken in
9 executive session. The right to privacy or the requirement that testimony
10 be taken in executive session may be waived by the person or entity
11 being subpoenaed or compelled to testify;
- 12 ~~4[3].~~ Petition the appropriate Circuit Court to compel obedience by
13 proceedings for contempt as in the case of disobedience of a subpoena
14 issued from the Circuit Court or a refusal to testify therein, if any officer
15 or appointee fails or refuses to testify or furnish the work papers or
16 documents subpoenaed;
- 17 ~~5[4].~~ Administer oaths to witnesses appearing before the committee when the
18 committee deems the administration of an oath necessary and advisable
19 as provided by law. This decision to administer oaths shall be taken by a
20 majority vote of the committee of the legislative council; and
- 21 ~~6[5].~~ Recommend the removal of any appointee to a board or commission
22 described in subsection (13)(f) of this section.
- 23 (c) The legislative council of the consolidated local government shall adopt by
24 resolution any process or procedures deemed necessary for the administration
25 of subpoenas and oaths.
- 26 (d) The legislative council of the consolidated local government may only act to
27 remove an appointee to a board or commission described in subsection (13)(f)

1 of this section upon the recommendation of the Government Oversight and
2 Audit Committee.

3 (e) The Government Oversight and Audit Committee shall have the power to
4 issue subpoenas or administer oaths. Except as provided in ***this section and***
5 **KRS ~~67C.325~~[65.003(7)]**, the legislative council of the consolidated local
6 government shall not delegate those powers to any other entity or entities not a
7 part of the legislative council of the consolidated local government.

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

12 ➔Section 3. KRS 67C.105 is amended to read as follows:

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

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

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

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

26 (3) The mayor shall be at least twenty-one (21) years old, a qualified voter, a member
27 of his or her political party, and a resident of the territory encompassing the

1 consolidated local government for a period of at least one (1) year prior to his or her
2 election as mayor. The mayor shall continue to reside within the geographic
3 boundary of the consolidated local government throughout his or her term of office.

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

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

12 (a) Prepare and submit an annual report coinciding with the fiscal year, on the
13 state of the consolidated local government, to be presented at a public meeting
14 of the council;

15 (b) Submit an annual budget no fewer than sixty (60) days prior to the end of the
16 fiscal year;

17 (c) Oversee the administration and implementation of the adopted budget
18 ordinance;

19 (d) Enforce the ordinances of the consolidated local government;

20 (e) Supervise all officers, agents, employees, cabinets, departments, offices,
21 agencies, functions, and duties of the consolidated local government;

22 (f) Call special meetings of the consolidated local government council;

23 (g) Appoint and remove his or her own staff at his or her own pleasure;

24 (h) Execute written contracts, subscriptions, agreements, or obligations of the
25 consolidated local government;

26 (i) Approve or veto ordinances and resolutions adopted by the consolidated local
27 government council;

- 1 (j) Submit any written contracts, subscriptions, agreements, or obligations
2 exceeding the small purchase amount established pursuant to KRS 45A.385 in
3 a resolution to the legislative council for its approval or its disapproval. Those
4 written contracts, subscriptions, agreements, or obligations awarded to the
5 lowest evaluated bid or proposal pursuant to KRS 45A.343 to 45A.460 shall
6 be excluded, unless the legislative council changes the threshold for
7 submission of a resolution. The legislative council may, by ordinance, set
8 threshold amounts other than those established by KRS 45A.385 for the small
9 purchases for submission of a resolution for its approval or disapproval; and
- 10 (k) Appoint a deputy mayor within seven (7) days of the mayor taking the oath of
11 office and keep the office of deputy mayor filled throughout the mayor's term.
12 The deputy mayor shall:
- 13 1. Meet all the qualifications for mayor established pursuant to subsection
14 (3) of this section;
 - 15 2. Serve at the mayor's pleasure and may be replaced by the mayor for any
16 cause; and
 - 17 3. Have only the duties assigned to him or her by the mayor.
- 18 (6) (a) If the office of mayor becomes vacant by reason of death, resignation, or
19 removal:
- 20 1. The deputy mayor shall become the temporary mayor, inheriting all
21 powers and duties of the mayor;
 - 22 2. The deputy mayor shall serve as temporary mayor for no more than
23 thirty (30) days until the council, by a majority vote of the members of
24 the council, shall elect a resident of the consolidated local government
25 who meets the qualifications for mayor established pursuant to
26 subsection (3) of this section to serve as mayor. The council may select
27 the temporary mayor for this position. If the legislative council fails to

1 elect a person to fill the vacancy within thirty (30) days after the vacancy
 2 occurs, the Governor shall fill the vacancy in the office by appointment
 3 of a qualified person who is a resident of the consolidated local
 4 government and meets the qualifications for mayor established pursuant
 5 to subsection (3) of this section; and

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

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

10 1. The presiding officer of the consolidated local government council shall
 11 become the temporary mayor, inheriting all powers and duties of the
 12 mayor;

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

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

26 (7) The mayor of a consolidated local government shall be known as the mayor of
 27 /..... County Metro Government, which shall be a combination

1 of the names of the largest city in existence in the county on the date of the adoption
2 of the consolidated local government and the county.

3 ➔Section 4. KRS 67C.111 is amended to read as follows:

4 (1) All cities other than those of the first class located within the territory of the
5 consolidated local government, upon the successful passage of the question to
6 consolidate a city of the first class and its county, shall remain incorporated unless
7 dissolved in accordance with KRS 81.094 and shall continue to exercise all powers
8 and perform the functions permitted by the Constitution and general laws of the
9 Commonwealth of Kentucky applicable to the cities of the class to which they have
10 been assigned.

11 (2) Upon the adoption of a consolidated local government in a county containing a city
12 of the first class, there shall be no further incorporations of cities within the county.

13 (3) ~~Upon the adoption of a consolidated local government in a county containing a city~~
14 ~~of the first class, there shall be no annexations for a period of twelve (12) years by~~
15 ~~any city remaining in the county. After that time,]Any proposed annexation by a~~
16 city in that county shall first receive the approval of the legislative council of the
17 consolidated local government prior to the city proceeding under the provisions of
18 KRS Chapter 81A. The city shall request the approval of the consolidated
19 legislative council by ordinance. **If the ordinance is accompanied by a petition in**
20 **favor of the proposed annexation signed by seventy-five percent (75%) or more of**
21 **the residents in the area proposed to be annexed, the consolidated government**
22 **legislative council shall approve the proposed annexation.** The consolidated
23 legislative council's decision shall be made by ordinance and within sixty (60) days
24 of the receipt of the request by the affected city. If an ordinance has not been
25 enacted by the consolidated legislative council within sixty (60) days, the request
26 for a city to proceed with an annexation proposal shall be deemed to be approved by
27 the consolidated legislative council. **An ordinance approving annexation passed by**

1 *the consolidated local government legislative council shall not be subject to veto*
2 *by the mayor of the consolidated local government.*

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

7 ➔Section 5. KRS 67C.115 is amended to read as follows:

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

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

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

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

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

24 (2) Ordinances and resolutions of either the city of the first class or its county in
25 existence on the effective date of a local government consolidation which conflict
26 with other provisions of this chapter shall be void. Except as provided in KRS
27 67C.123(3), any ordinance, resolution, or order in effect in a city of the first class or

1 its county on the date a consolidated local government takes effect shall expire five
 2 (5) years from that date unless amended or reenacted by the consolidated local
 3 government.

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

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

11 (5) The county attorney shall serve as the legal advisor and representative to the
 12 consolidated local government, ~~and~~ except for those duties pertaining to fiscal
 13 court, ~~set forth in KRS 69.210,~~ The county attorney shall retain and exercise all
 14 other duties, powers, and rights delegated to that office by law, **excluding the power**
 15 **to approve legislation prior to its consideration by the legislative body of the**
 16 **consolidated local government. The county attorney may provide an opinion on**
 17 **the form, legality, or constitutionality of any legislative action, but that opinion**
 18 **shall only be an advisory opinion.** This subsection does not prevent the
 19 consolidated local government council from retaining its own legal counsel solely
 20 for advice and consultation should they choose to do so.

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

26 ➔Section 6. KRS 67C.139 is amended to read as follows:

27 If a cooperative compact exists between a city of the first class and its county prior to the

1 creation of a consolidated local government, upon the establishment of the consolidated
2 local government:

- 3 (1) (a) The mayor of the consolidated local government shall assume all appointment
4 authority previously held by the county judge/executive and the mayor of the
5 consolidating governments. Appointments made by the mayor should reflect
6 the political, geographic, gender, age, and racial diversity of the population
7 within the jurisdiction of the consolidated local government. Upon the
8 expiration of a term of appointment, the mayor shall make an appointment or
9 reappointment within ninety (90) days of the term's expiration.
- 10 (b) If the mayor fails to make an appointment within ninety (90) days, the
11 legislative council of the consolidated local government shall make the
12 appointment within thirty (30) days after the expiration of the ninety (90) day
13 period. The legislative council's appointment shall take into account the
14 political, geographic, gender, age, and racial diversity of the population. The
15 legislative council shall adopt a resolution specifying how these appointments
16 shall be made; and
- 17 (2) **The mayor shall make all appointments to agencies, boards, and commissions**
18 **established by statute in the manner as prescribed by statute, subject to any**
19 **requirements for legislative body approval as required by the relevant statutes.**
20 **Notwithstanding any other provisions of the Kentucky Revised Statutes, the**
21 **legislative body of the consolidated local government shall have sixty (60) days in**
22 **which to give approval of an appointment, if such approval is required by**
23 **statute.**~~(a) When authorized by statute, the mayor shall, subject to legislative~~
24 ~~council approval, determine which statutorily created agencies, boards, and~~
25 ~~commissions require legislative council approval for the appointment of members.~~
- 26 (b) ~~1. Subject to legislative council approval, the mayor shall determine the~~
27 ~~agencies, boards, and commissions to which legislative council members shall~~

1 ~~be appointed. The mayor's determination under this subparagraph shall be~~
 2 ~~made in consultation with the Office of the Attorney General and shall not~~
 3 ~~violate the incompatible offices prohibitions in KRS 61.080(3).~~

4 ~~2. The presiding officer of the legislative council shall make all legislative~~
 5 ~~council appointments to agencies, boards, and commissions from the~~
 6 ~~membership of the legislative council, subject to subparagraph 1. of this~~
 7 ~~paragraph.~~

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

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

18 ➔Section 7. KRS 67C.143 is amended to read as follows:

19 (1) Unless otherwise provided by law, any elected officer of a consolidated local
 20 government in case of misconduct, incapacity, or willful neglect in the performance
 21 of the duties of his or her office may be removed from office by the legislative
 22 council, sitting as a court, under oath, upon charges preferred by the mayor or by
 23 any five (5) members of the legislative council, or, in case of charges against the
 24 mayor, upon charges preferred by not less than ten (10) members of the legislative
 25 council.~~[No legislative council member preferring a charge shall sit as a member of~~
 26 ~~the legislative council when it tries that charge.]~~

27 (2) No elected officer shall be removed without having been given the right to a full

1 public hearing.

2 (3) A decision to remove a mayor, legislative council member, or appointee to a board
3 or commission shall require a vote of two-thirds (2/3) of the total number of
4 legislative council members.

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

8 (5) (a) No elected officer removed from office under this section shall be eligible to
9 fill the office vacated before the expiration of the term to which the elected
10 member was originally elected.

11 (b) Any appointee to a board or commission removed under this section shall not
12 be eligible for:

13 1. The office from which he or she was removed before five (5) years
14 following the date of his or her removal from that office; or

15 2. Appointment to a board or commission described in KRS
16 67C.103(13)(f) before five (5) years following the date of his or her
17 removal from that office.

18 ➔Section 8. KRS 67C.147 is amended to read as follows:

19 (1) In order to maintain the tax structure, tax rates, or level of services in the area of the
20 consolidated local government formerly comprising the city of the first class, the
21 legislative council of a consolidated local government may provide in the manner
22 described in this chapter for taxes and services within the area comprising the
23 former city of the first class which are different from the taxes and services which
24 are applicable in the remainder of the county. These differences may include
25 differences in tax rates upon the class of property which includes the surface of the
26 land, differences in ad valorem tax rates upon personal property, and differences in
27 tax rates upon insurance premiums.

- 1 (2) Any difference in the ad valorem tax rate on the class of property which includes
2 the surface of the land in the portion of the county formerly comprising the city of
3 the first class and in the portion of the county other than that formerly comprising
4 the city of the first class may be imposed directly by the consolidated local
5 government council. Any change in these ad valorem tax rates shall comply with
6 KRS 68.245, 132.010, 132.017, and 132.027 and shall be used for services as
7 provided by KRS 82.085.
- 8 (3) If the consolidated local government council determines to provide for tax rates
9 applicable to health insurance premiums and personal property which are different
10 in the area formerly comprising the city of the first class than the rates applicable in
11 the remainder of the county, it shall do so in the following manner. The
12 consolidated local government council shall by ordinance create a tax district to be
13 known as the "urban service tax district" bounded by the former boundaries of the
14 former city of the first class. The ordinance shall designate the number of members
15 of the board of this taxing district and the manner in which they shall be appointed.
16 The ordinance shall provide that the board of the taxing district shall receive the
17 income derived from the differential in tax rate applicable in the area formerly
18 comprising the city of the first class with respect to personal property, health
19 insurance premiums, or both, and shall contract with the consolidated local
20 government to pay all sums collected to the consolidated local government, in
21 return for the provision of services performed by the consolidated local government
22 within the area formerly comprising the city of the first class which services are in
23 addition to services performed by the consolidated local government in the
24 remainder of the county. **The consolidated local government shall provide at least**
25 **an annual reporting to the urban service tax district board and the legislative**
26 **body of the consolidated local government containing but not limited to detailed**
27 **operating and capital expenditures of each service performed by the consolidated**

1 **local government.**

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

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

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

16 The boundaries so described in either case shall not cross precinct lines. The
17 question of whether the area bounded as described should be added to or deleted
18 from, as the case may be, the urban services taxing district shall then be placed upon
19 the ballot in the precincts in the area to be added or deleted at the next regular
20 election and the question stated on the ballot shall be so phrased that a "Yes" vote
21 shall be cast in favor of making the proposed change and a "No" vote shall be cast
22 to oppose the proposed change. If a majority of those voting in those precincts
23 support the change, then the change in the boundaries of the urban service district
24 shall be implemented.

25 ➔Section 9. KRS 67C.301 is amended to read as follows:

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

27 (1) "Board" means the consolidated local government police force merit board or

1 boards hereinafter created.

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

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

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

8 ~~(5)~~~~(4)~~ "Secretary" means the executive secretary employed by the consolidated local
9 government police force merit board or boards created as provided by KRS 67C.301
10 to 67C.327.

11 ~~(6)~~~~(5)~~ "Officer" means any member of the consolidated local government police
12 forces affected by KRS 67C.301 to 67C.327, including police officers, corporals,
13 sergeants, lieutenants, and captains.

14 ➔Section 10. KRS 67C.321 is amended to read as follows:

15 (1) Any officer may be removed, suspended for a period not to exceed thirty (30) days,
16 laid-off, or reduced in grade by the chief **or chief's designee** for any cause which
17 promotes the efficiency of the services, but before any such action is taken by the
18 chief **or chief's designee** against any officer, the chief **or chief's designee** shall
19 furnish the officer concerned with a written statement of the reasons why the
20 described action is being taken. **The chief's designee shall provide the chief a copy**
21 **of the written statement of why the described action is being taken when it is**
22 **furnished to the officer. Nothing in this subsection shall be construed as**
23 **abrogating the chief's responsibility for the actions of the chief's designee taken**
24 **pursuant to KRS 67C.301 to 67C.327.** The officer may be reduced, removed,
25 suspended for a period not to exceed thirty (30) days, or laid-off from the date the
26 written statement of reasons is served upon her or him. Each officer removed,
27 suspended for a period not to exceed thirty (30) days, laid-off, or reduced in grade

1 shall be allowed a period of ten (10) days within which the officer may file a written
2 answer to the charges and the reasons which caused her or his suspension, removal,
3 or reduction. This answer shall be made a part of the official records of the police
4 department. No trial or examination of witnesses shall be required in any such case
5 except at the discretion of the chief. The chief or the chief's designee shall likewise
6 furnish a copy of the written charges and reasons for her or his action to the board.

7 (2) Any citizen who makes written, sworn charges of misconduct concerning the
8 actions of any police officer shall present the charges to the chief of police or the
9 chief's designee who shall investigate the charges. The chief of police or the chief's
10 designee shall determine what action, if any, shall be taken against the officer,
11 subject to the limitations set out in this chapter. The citizen may appeal the
12 determination of the chief of police or the chief's designee to the board.

13 ➔Section 11. KRS 67C.323 is amended to read as follows:

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

16 (1) Every action in the nature of a dismissal, suspension, or demotion of a
17 nonprobationary officer made by the chief or the chief's designee shall be subject to
18 review by the board at the request of any officer affected by KRS 67C.301 to
19 67C.327. An appeal to the board of a dismissal, demotion, or forty (40) hour or
20 more suspension of a nonprobationary officer shall be heard by the full board. The
21 board shall give notice and hold a public hearing. After the hearing, the board shall
22 retire in executive session to discuss the evidence introduced at the hearing and to
23 make its determination and conclusion. While in executive session, the board shall
24 not receive any further evidence or communication from any source prior to
25 reaching its determination and conclusion. The board, while in executive session,
26 may request and receive legal advice from board counsel on specific legal issues
27 which may arise during deliberations. If a majority of the members of the board are

1 of the opinion that the action of the chief or the chief's designee is unjustified or
2 unsupported by proper evidence, the order of the chief or the chief's designee may
3 be set aside and revoked by the board, and the board may impose the penalty or
4 punishment it deems necessary and appropriate, if any; provided however, the board
5 shall not impose a penalty or punishment in excess of the action of the chief or the
6 chief's designee. No officer shall be removed or dismissed except as provided for in
7 this section.

8 (2) An appeal to the board of a suspension of a nonprobationary officer of less than
9 forty (40) hours may be heard by the full board or any hearing officer secured by the
10 board. If the appeal is heard by a hearing officer, all rules established by the board
11 relating to appeals of disciplinary actions shall be applicable. After the hearing, the
12 hearing officer shall complete and submit to the board, no later than thirty (30) days
13 after the hearing, a written recommended order which shall include his findings of
14 fact, conclusions of law, and recommended disposition of the appeal, which may
15 include recommended penalties. The recommended order shall also include a
16 statement advising the appealing officer and chief or the chief's designee fully of
17 their exception and appeal rights. A copy of the hearing officer's recommended
18 order shall be sent to the appealing officer and chief or the chief's designee. Each
19 party shall have fifteen (15) days from the date the recommended order is mailed
20 within which to file exceptions to the recommendations with the board. The board
21 shall consider the record including the recommended order in any exceptions duly
22 filed to a recommended order, and accept and adopt or reject or modify, in whole or
23 in part, the recommended order, or remand the appeal of the matter, in whole or in
24 part, to the hearing officer for further proceedings as appropriate. The final order of
25 the board shall be in writing. If the final order differs from the recommended order,
26 it shall include separate statements of findings of fact and conclusions of law. The
27 board shall render a final order in an administrative hearing within thirty (30) days

1 after receipt of the hearing officer's recommended order.

- 2 (3) (a) Every action of a dismissal, suspension, or demotion made by the board shall
3 be final, except that any person aggrieved may, within thirty (30) days after
4 the action, appeal to the Circuit Court of the county in which the board meets.
5 The board shall be named respondent as the consolidated local government
6 police force merit board, and service shall be had on the chairman of the
7 board. Notice of the appeal shall be given to the chief or the chief's designee,
8 or the officer if not already a party to the appeal as real parties in interest. The
9 appeal taken to the Circuit Court shall be docketed by the clerk as a civil
10 action with appropriate judicial review of an administrative action or decision.
- 11 (b) The judgment of the Circuit Court shall be subject to appeal to the Court of
12 Appeals. The procedure as to the appeal to the Court of Appeals shall be the
13 same as in any civil action.

14 ➔Section 12. KRS 67C.325 is amended to read as follows:

15 Procedural due process shall be afforded to any police officer brought before the board.
16 The officer shall be given a prompt hearing by the board, have an opportunity to confront
17 his or her accusers, and have the privilege of presenting the board with evidence. The
18 board shall have the power to issue subpoenas attested in the name of its chairman, to
19 compel the attendance of witnesses, to compel the production of documents and other
20 documentary evidence, and so far as practicable, conduct the hearing within the Kentucky
21 Rules of Civil Procedure. Upon a showing of proper need, the board shall issue
22 subpoenas to compel the attendance of witnesses, or to compel the production of
23 documents and other documentary evidence for the benefits of the officer, ~~or~~ the chief,
24 or the chief's designee at the request of the officer, ~~or~~ the chief, or the chief's designee.