

1 AN ACT relating to city meetings.

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

3 ➔Section 1. KRS 83A.130 is amended to read as follows:

- 4 (1) The form of government provided in this section shall be known as the mayor-
5 council plan and this section shall, together with KRS 83A.010 to 83A.120, govern
6 any city declared to be under the mayor-council plan by KRS 83A.020 or which has
7 adopted the mayor-council plan pursuant to KRS 83A.160.
- 8 (2) Each city under this section shall be governed by an elected executive who shall be
9 called mayor and by an elected legislative body which shall be called the city
10 council, and by such other officers and employees as may be provided for by statute
11 or city ordinance.
- 12 (3) The executive authority of the city shall be vested in and exercised by the mayor.
13 The mayor shall enforce the mayor-council plan, city ordinances and orders, and all
14 applicable statutes. He ***or she*** shall supervise all departments of city government
15 and the conduct of all city officers and employees under his ***or her*** jurisdiction and
16 shall require each department to make reports to him ***or her*** required by ordinance
17 or as he ***or she*** deems desirable. The mayor shall maintain liaison with related units
18 of local government respecting interlocal contracting and joint activities. The mayor
19 shall report to the council and to the public on the condition and needs of city
20 government as he ***or she*** finds appropriate or as required by ordinance, but not less
21 than annually. He ***or she*** shall make any recommendations for actions by the
22 council he ***or she*** finds in the public interest.
- 23 (4) Subject to disapproval of the council, the mayor shall promulgate procedures to
24 ***ensure***~~insure~~ orderly administration of the functions of city government and
25 compliance with statute or ordinance. Upon promulgation or upon revision or
26 rescission of the procedures, copies shall be filed with the person responsible for
27 maintaining city records as provided under KRS 83A.060.

- 1 (5) The mayor shall preside at meetings of the council. The council may set by
2 ordinance the manner in which one of its number may be selected to preside at
3 meetings of the council in place of the mayor. The mayor may participate in council
4 proceedings, but shall not have a vote, except that he or she may cast the deciding
5 vote in case of a tie.
- 6 (6) All ordinances adopted by the council shall be submitted to the mayor who shall
7 within ten (10) days after submission either approve the ordinance by affixing his
8 or her signature or disapprove it by returning it to the council together with a
9 statement of his or her objections. No ordinance shall take effect without the
10 mayor's approval unless he or she fails to return it to the legislative body within ten
11 (10) days after receiving it or unless the council votes to override the mayor's veto,
12 upon reconsideration of the ordinance not later than the second regular meeting
13 following its return, by the affirmative vote of one (1) more than a majority of the
14 membership.
- 15 (7) Any delegation of the mayor's power, duties, or responsibilities to subordinate
16 officers and employees and any expression of his or her official authority to fulfill
17 executive functions shall be made by executive order. Executive orders shall be
18 sequentially numbered by years and shall be kept in a permanent file.
- 19 (8) All bonds, notes, contracts, and written obligations of the city shall be made and
20 executed by the mayor or his or her agent designated by executive order.
- 21 (9) The mayor shall be the appointing authority with power to appoint and remove all
22 city employees, including police officers, except as tenure and terms of
23 employment are protected by statute, ordinance, or contract and except for
24 employees of the council.
- 25 (10) The mayor shall provide for the orderly continuation of the functions of city
26 government at any time he or she is unable to attend to the duties of his or her
27 office by delegating responsibility for any function to be performed in accordance

1 with subsection (7) of this section, provided that the mayor shall not delegate the
2 responsibility of presiding at meetings of the council and that approving ordinances
3 or promulgating administrative procedures may only be delegated to an elected
4 officer. With approval of the council, the mayor may rescind any action taken in his
5 or her absence under this subsection within thirty (30) days of such action. If for
6 any reason the disability of the mayor to attend to his or her duties persists for sixty
7 (60) consecutive days, the office of mayor may be declared vacant by a majority
8 vote of the council and the provisions of KRS 83A.040 shall apply.

9 (11) The legislative authority of the city shall be vested in and exercised by the elected
10 council of the city. The council shall not perform any executive functions except
11 those functions assigned to it by statute. Regular meetings of the council shall be
12 held at least once each month at such times and places as are fixed by ordinance.
13 For each regular meeting of the council an agenda shall be prepared and
14 distributed to each member of the council at least seventy-two (72) hours prior to
15 the time of the meeting, and the agenda shall be made available to members of
16 the public at the time of the regular meeting. Special meetings of the council may
17 be called by the mayor or upon written request of a majority of the council. In the
18 call, the mayor or council shall designate the purpose, time, and place of the special
19 meeting with sufficient notice for the attendance of council members and for
20 compliance with KRS Chapter 61. At a special meeting no business may be
21 considered other than that set forth in the designation of purpose. The minutes of
22 every meeting shall be signed by the person responsible for maintaining city records
23 provided under KRS 83A.060 and by the officer presiding at the meeting.

24 (12) The council shall by ordinance establish all appointive offices and the duties and
25 responsibilities of those offices and codes, rules, and regulations for the public
26 health, safety, and welfare. The council shall by ordinance provide for sufficient
27 revenue to operate city government and shall appropriate the funds of the city in a

1 budget which shall provide for the orderly management of city resources.

2 (13) The council shall have the right to investigate all activities of city government. The
3 council may require any city officer or employee to prepare and submit to it sworn
4 statements regarding his or her performance of his or her official duties. Any
5 statement required by the council to be submitted or any investigation undertaken
6 by the council, if any office, department, or agency under the jurisdiction of the
7 mayor is involved, shall not be submitted or undertaken unless and until written
8 notice of the council's action is given to the mayor. The mayor shall have the right
9 to review any statement before submission to the council and to appear personally
10 or through his or her designee on behalf of any department, office, or agency in the
11 course of any investigation.

12 ➔Section 2. KRS 83A.140 is amended to read as follows:

13 (1) The form of government provided in this section shall be known as the commission
14 plan and this section shall, together with KRS 83A.010 to 83A.120, govern any city
15 declared to be under the commission plan by KRS 83A.020 or which has adopted
16 the commission plan pursuant to KRS 83A.160.

17 (2) Each city under this section shall be governed by an elected officer who shall be
18 called mayor and by elected legislative body members who shall be called city
19 commissioners and which together shall be known as the city commission and by
20 such other officers and employees as may be provided for by statute or city
21 ordinance.

22 (3) All legislative, executive, and administrative authority of the city shall be vested in
23 and exercised by the commission. The commission shall enforce the commission
24 plan, ordinances, and orders of the city and all applicable statutes. The commission
25 shall maintain liaison with related units of local government respecting interlocal
26 contracting and joint activities. The commission shall supervise all departments of
27 city government and the conduct of all city officers and employees under its

1 jurisdiction and may require each department to make such reports to it as it finds
2 necessary. The commission shall report to the public on the condition and needs of
3 the city government as provided by ordinance, but not less than annually.

4 (4) The mayor shall preside at all meetings of the commission and may vote in all
5 proceedings. All bonds, notes, contracts, and written obligations of the city
6 authorized by ordinance or resolution shall be executed by the mayor on behalf of
7 the city. The commission shall designate one (1) city commissioner to serve as
8 mayor pro tem. The mayor pro tem shall act for the mayor whenever the mayor is
9 unable to attend to the duties of his or her office and he or she shall then possess all
10 rights, powers and duties of mayor. If the disability of the mayor to attend to his or
11 her duties continues for sixty (60) consecutive days, the office of mayor may be
12 declared vacant by a majority vote of the commission membership, and the
13 provisions of KRS 83A.040 shall apply.

14 (5) In carrying out its duty to supervise the departments of city government and the
15 conduct of all city officers and employees under its jurisdiction, the commission
16 may require any city officer or employee to prepare and submit to it sworn
17 statements regarding the performance of his or her official duties.

18 (6) All administrative and service functions of the city shall be classified under
19 departments created by ordinance which shall prescribe the functions of the
20 department and the duties and responsibilities of the department head and his or her
21 employees. The commission shall at its first regular meeting in each year designate
22 the commission member to have superintendence over each department established
23 under this subsection, except the commission may delegate responsibility for
24 overall supervision of any or all departments to a city administrative officer
25 established pursuant to KRS 83A.090.

26 (7) Regular meetings of the commission shall be held at least once a month at such
27 times and places as are fixed by ordinance. For each regular meeting of the

1 commission, an agenda shall be prepared and distributed to each member of the
 2 commission at least seventy-two (72) hours prior to the time of the meeting, and
 3 the agenda shall be made available to members of the public at the time of the
 4 regular meeting. Special meetings may be called by the mayor or a majority of the
 5 city commissioners. In the call, the mayor or city commissioners shall designate the
 6 purpose, time, and place of the special meeting with sufficient notice for the
 7 attendance of commission members and for compliance with KRS Chapter 61. At a
 8 special meeting no business may be considered other than that set forth in the
 9 designation of purpose. The minutes of every meeting shall be signed by the person
 10 responsible for maintaining city records provided under KRS 83A.060 and by the
 11 officer presiding at the meeting.

12 (8) The commission shall by ordinance establish all appointive offices and the duties
 13 and responsibilities of those offices and codes, rules, and regulations for the public
 14 health, safety, and welfare. The commission shall by ordinance provide for
 15 sufficient revenue to operate city government and shall appropriate such funds in a
 16 budget which shall provide for the orderly management of the city's resources. The
 17 commission shall promulgate procedures to insure orderly administration of the
 18 functions of city government and compliance with statute, ordinance, or order.

19 ➔Section 3. KRS 83A.150 is amended to read as follows:

20 (1) The form of government provided in this section shall be known as the city
 21 manager plan and this section shall, together with KRS 83A.010 to 83A.120,
 22 govern any city declared to be under the city manager plan by KRS 83A.020 or
 23 which has adopted the city manager plan pursuant to KRS 83A.160.

24 (2) Each city under this section shall be governed by an elected officer who shall be
 25 called mayor and by elected legislative body members who shall be called city
 26 commissioners and which together shall be known as the board of commissioners
 27 and by such other officers and employees as may be provided for by statute or city

1 ordinance.

2 (3) All legislative and executive authority of the city shall be vested in and exercised by
3 the board. The mayor shall preside at all meetings of the board and may vote in all
4 proceedings. The mayor shall be recognized as the head of the city government by
5 the Governor for purposes of military law, but shall have no regular administrative
6 duties. The board shall designate one (1) city commissioner to serve as mayor pro
7 tem. The mayor pro tem shall act for the mayor whenever the mayor is unable to
8 attend to the duties of his or her office and he or she shall then possess all rights,
9 powers and duties of mayor. If the disability of the mayor to attend his or her duties
10 continues for sixty (60) consecutive days, the office of mayor may be declared
11 vacant by a majority vote of the board membership and the provisions of KRS
12 83A.040 shall apply.

13 (4) In addition to the requirements of KRS 61.805 to 61.850, the board shall conduct
14 meetings as follows:

15 (a) Regular meetings of the board shall be held at least once each month at such
16 times and places as are fixed by ordinance. For each regular meeting of the
17 board an agenda shall be prepared and distributed to each member of the
18 board, at least seventy-two (72) hours prior to the time of the meeting, and
19 the agenda shall be made available to members of the public at the time of
20 the regular meeting;

21 (b) Special meetings of the board may be called by the mayor or upon written
22 request of a majority of the city commissioners. In the call, the mayor or
23 commissioners shall designate the purpose, time and place of the special
24 meeting with sufficient notice for the attendance of board members and for
25 compliance with KRS Chapter 61. At a special meeting no business shall be
26 considered other than that set forth in the designation of purpose;

27 (c) The minutes of every meeting shall be signed by the person responsible for

1 maintaining city records provided under KRS 83A.060 and the officer
2 presiding at the meeting; and

3 (d) Notwithstanding KRS 61.810, the board may meet in a closed session no
4 more than two (2) times per calendar year for the purposes of conducting a
5 performance evaluation of the city manager. The board shall follow KRS
6 61.815 in conducting the closed session. Any public records related to that
7 performance evaluation shall be subject to the provisions of KRS 61.870 to
8 61.884.

9 (5) The board shall by ordinance establish all appointive offices and the duties and
10 responsibilities of those offices and codes, rules, and regulations for the public
11 health, safety, and welfare. The board shall by ordinance provide for sufficient
12 revenue to operate city government and shall appropriate the funds of a city budget
13 which shall provide for the orderly management of city resources.

14 (6) The board may require any city officer or employee to prepare and submit to it
15 sworn statements regarding his or her performance of his or her official duties and
16 may otherwise inquire into the conduct of duties of any department, office, or
17 agency of the city.

18 (7) The board shall in accordance with KRS 83A.080 create the office of city manager
19 and set qualifications for the office, which shall include~~[-]~~ but not be limited to
20 professional training or administrative qualifications with special reference to actual
21 experience in or knowledge of accepted practice regarding duties of the office and
22 list duties and responsibilities of the office which shall include~~[-]~~ but not be limited
23 to:

24 (a) Being responsible to the board for the proper administration of all duties
25 imposed upon him or her by ordinance;

26 (b) Recommending to the board, subject to any statute, ordinance, or contract
27 which relates to the appointment, tenure, or removal of any employee, the

1 appointment, and when necessary for the good of the service, the removal of
2 subordinate employees and officers of the city. No officer or employee of the
3 city shall be appointed or removed except through action by the board, except
4 that the city manager may fill vacancies in the classified service pending the
5 appointment by the board and may employ personnel for temporary positions
6 subject to such conditions as may be imposed by the board;

7 (c) Preparing the budget and submitting it to the board and being responsible for
8 its administration after adoption;

9 (d) Preparing and submitting to the board as of the end of each fiscal year a
10 complete report on the finances and administrative activities of the city for the
11 preceding year;

12 (e) Keeping the board advised of the financial condition and future needs of the
13 city and making recommendations as he deems desirable;

14 (f) Maintaining liaison with related units of local government respecting
15 interlocal contracting and joint activities;

16 (g) Supervising all departments of city government and the conduct of all city
17 officers and employees under his or her jurisdiction and requiring each
18 department to make reports to him or her required by ordinance or as he or
19 she deems desirable; and

20 (h) Performing other duties required of city executive authorities by statute or
21 required of him or her by the board not inconsistent with this section.

22 (8) The board shall appoint a city manager by a majority vote of all its members. The
23 city manager shall be appointed for an indefinite term and may be removed only by
24 a majority vote of all board members. At least thirty (30) days before such removal
25 shall become effective, the board shall, by a majority vote of all its members, adopt
26 a preliminary resolution stating the reasons for his or her removal. The city
27 manager may reply in writing and may request a public hearing which shall be held

1 not earlier than twenty (20) days nor later than thirty (30) days after the filing of the
2 request. After the public hearing, if requested, and after full consideration, the board
3 by majority vote of all its members may adopt a final resolution of removal. By the
4 preliminary resolution, the board may suspend the city manager from duty, but shall
5 in any event cause to be paid to him or her any unpaid balance of his or her
6 compensation and compensation for the next calendar month following adoption of
7 the preliminary resolution.

8 (9) The city manager shall be the chief administrative officer and exercise those
9 executive powers and duties delegated to him or her by ordinance and statute. He
10 or she shall enforce the city manager plan, city ordinances, and all applicable
11 statutes. Subject to approval of the board, the city manager shall promulgate
12 procedures to insure orderly administration of the functions of city government and
13 compliance with statute or ordinance. Any delegation of the city manager's duties or
14 responsibilities to subordinate officers and employees shall be made by municipal
15 order except that all bonds, notes, contracts, and written obligations of the city
16 according to ordinance or resolution shall be made and executed by the mayor on
17 behalf of the city.