

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 States  
21 Bureau of the Census for the area embraced by a consolidated local government, the  
22 council shall adopt an ordinance, if necessary, to redistrict the council districts. A  
23 redistricting ordinance shall provide for the distribution of population among the  
24 council districts as nearly equal as is reasonably possible. Every council district  
25 shall be compact and contiguous and shall respect existing neighborhood,  
26 community, and city boundaries whenever possible.
- 27 (4) The consolidated local government council members shall serve for a term of four

- 1 (4) years beginning on the first Monday in January following their election, except  
2 that the initial election of council members shall be in a manner as to provide for  
3 staggered terms for council members. At the initial election of the members of a  
4 consolidated local government council, those representing even-numbered districts  
5 shall be elected for a two (2) year term. Those representing odd-numbered districts  
6 shall be elected for a four (4) year term. Thereafter, all council members shall be  
7 elected for four (4) year terms.
- 8 (5) The members of a consolidated local government council shall be nominated and  
9 elected from the district in which they reside in partisan elections. After the initial  
10 terms of office of the first elected council members, council members shall be  
11 elected in the same election years as other local government officials as regulated by  
12 the regular election laws of the Commonwealth and as provided in subsection (4) of  
13 this section.
- 14 (6) No person shall be eligible to serve as a member of a consolidated local government  
15 council unless he or she is at least eighteen (18) years old, a qualified voter, and a  
16 resident within the territory of the consolidated local government and the district  
17 that he or she seeks to represent for at least one (1) year immediately prior to the  
18 person's election. A council member shall continue to reside within the district from  
19 which he or she was elected throughout the term of office.
- 20 (7) The presiding officer of a consolidated local government council shall be a  
21 president who shall be chosen annually by a majority vote of the entire council from  
22 among its members at the first meeting of the council in January. The council  
23 president has the right to introduce any resolution or recommend any ordinance and  
24 shall be entitled to vote on all matters.
- 25 (8) The consolidated local government council shall upon notice meet within seven (7)  
26 days after its members have taken office, and shall thereafter hold at least one  
27 (1)~~two (2)~~ regular meeting~~meetings~~ per month. No newspaper notice shall be

1 required for regular or special meetings of the consolidated local government  
2 council. However, notice of all meetings of the council and all meetings of  
3 committees of the council shall be held pursuant to KRS 61.805 to 61.850.

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

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

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

17 (a) Otherwise provided by statute; or

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

22 (12) In the case of a vacancy on the consolidated local government council by reason of  
23 death, resignation, or removal, the council by majority vote of the membership of  
24 the council shall elect a qualified resident of the council district not later than thirty  
25 (30) days after the date the vacancy occurs. **The members of the legislative council**  
26 **shall follow the recommendation of the caucus from which the vacancy occurred**  
27 **and the person chosen shall be from the same political party as the holder of the**

1        **vacated seat.** Should the council fail to elect, by majority vote of the membership of  
 2        the council, a qualified person to fill the vacancy within thirty (30) days, the mayor  
 3        of the consolidated local government shall fill the vacancy by appointment of a  
 4        qualified **resident of the council district, who shall be from the same political**  
 5        **party as the holder of the vacated seat**~~[person]~~ for the unexpired term.

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

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

- 19        **1. Is composed of members who are appointed by the mayor and**  
 20        **approved by the legislative council; or**
- 21        **2. Has a budget that is equal to or greater than one million dollars**  
 22        **(\$1,000,000.00), except that this subparagraph shall not apply to any**  
 23        **fee officer elected within the consolidated local government.**

24        (14) **(a) The consolidated local government council shall establish a Government**  
 25        **Oversight and Audit Committee. This committee shall be:**

- 26        **1. Composed of members from each of the two (2) largest political**  
 27        **caucuses in the legislative council;**

- 1           2. Appointed by the chairs of their respective caucuses; and  
2           3. Composed on the basis of the proportion of each of the two (2) caucus'  
3           total membership as compared to the total membership of the  
4           legislative council. Any fractional proportions shall be rounded in the  
5           favor of the smallest caucus' membership on the committee.

6           (b) The committee shall have the power to:

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

1 board, or commission described in paragraph (f) of subsection (13) of  
2 this section or any officer or official of a department or division of the  
3 consolidated local government.

4 (c) The legislative council of the consolidated local government shall adopt by  
5 resolution any process or procedures deemed necessary for the  
6 administration of subpoenas and oaths.

7 (d) The legislative council of the consolidated local government may only act to  
8 remove any officer of or appointee to an agency, board, or commission  
9 described in paragraph (f) of subsection (13) of this section or any officer or  
10 official of a department or division of the consolidated local government  
11 upon the recommendation of the Government Oversight and Audit  
12 Committee.

13 (e) The Government Oversight and Audit Committee shall have the power to  
14 issue subpoenas or administer oaths. The legislative council of the  
15 consolidated local government shall not delegate those powers to any other  
16 entity or entities not a part of the legislative council of the consolidated local  
17 government.

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

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

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

27 (2) (a) The mayor shall be nominated and elected in partisan elections for a term of

1 four (4) years in the same election years as other local government officials as  
2 regulated by the regular election laws of the Commonwealth.

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

5 **(c)** ~~The mayor~~ ~~and~~ may serve for no more than three (3) consecutive terms,  
6 after which time he or she shall be prohibited from running for election or  
7 being appointed as mayor for a period of at least four (4) years.

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

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

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

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

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

26 (c) Oversee the administration and implementation of the adopted budget  
27 ordinance;

- 1 (d) Enforce the ordinances of the consolidated local government;
- 2 (e) Supervise all officers, agents, employees, cabinets, departments, offices,  
3 agencies, functions, and duties of the consolidated local government;
- 4 (f) Call special meetings of the consolidated local government council;
- 5 (g) Appoint and remove his or her own staff at his or her own pleasure;
- 6 (h) Execute written contracts, subscriptions, agreements, or obligations of the  
7 consolidated local government;~~and~~
- 8 (i) Approve or veto ordinances and resolutions adopted by the consolidated local  
9 government council;
- 10 (j) Submit any written contracts, subscriptions, agreements, or obligations, except  
11 those awarded through competitive bidding, with a value equal to or greater  
12 than fifty thousand dollars (\$50,000) for approval by the legislative council;  
13 and
- 14 (k) Appoint a deputy mayor within seven (7) days of the mayor taking the oath  
15 of office and keep the office of deputy mayor filled throughout the mayor's  
16 term. The deputy mayor shall:
- 17 1. Meet all the qualifications for mayor established pursuant to  
18 subsection (3) of this section;
- 19 2. Serve at the mayor's pleasure and may be replaced by the mayor for  
20 any cause; and
- 21 3. Have only the duties assigned to him or her by the mayor.
- 22 (6) (a) If~~in case~~ the office of mayor becomes vacant by reason of death, resignation,  
23 or removal;
- 24 1. The deputy mayor shall become the temporary mayor, inheriting all  
25 powers and duties of the mayor;
- 26 2. The deputy mayor shall serve as temporary mayor for no more than  
27 thirty (30) days until the council shall elect a resident of the



1 consolidated local government who meets the qualifications for mayor  
2 established pursuant to subsection (3) of this section to serve as mayor  
3 and who shall be from the same political party as the holder of the  
4 vacated seat for the position of mayor. The council may select the  
5 temporary mayor for this position. If the legislative council fails to  
6 elect a person to fill the vacancy within thirty (30) days after the  
7 vacancy occurs, the Governor shall fill the vacancy in the office by  
8 appointment of a qualified person who is a resident of the  
9 consolidated local government and who meets the qualifications for  
10 mayor established pursuant to subsection (3) of this section to serve as  
11 mayor and who shall be from the same political party as the holder of  
12 the vacated seat for the unexpired term; and

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

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

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

20 2. The presiding officer shall serve as temporary mayor for no more than  
21 thirty (30) days until the council shall elect a resident of the  
22 consolidated local government who meets the qualifications for mayor  
23 established pursuant to subsection (3) of this section to serve as mayor  
24 and who shall be from the same political party as the holder of the  
25 vacated seat for the position of mayor. The council may select the  
26 temporary mayor for this position. If the legislative council fails to  
27 elect a person to fill the vacancy within thirty (30) days after the

1                   *vacancy occurs, the Governor shall fill the vacancy in the office by*  
 2                   *appointment of a qualified person who is a resident of the*  
 3                   *consolidated local government and who meets the qualifications for*  
 4                   *mayor established pursuant to subsection (3) of this section to serve as*  
 5                   *mayor and who shall be from the same political party as the holder of*  
 6                   *the vacated seat for the unexpired term; and*

7                   *3. The tenure of the gubernatorial appointment shall be governed by*  
 8                   *Section 152 of the Kentucky Constitution*~~[, the members of the~~  
 9                   ~~legislative council of the consolidated local government shall by a~~  
 10                   ~~majority vote of the membership of the council elect a qualified person~~  
 11                   ~~to fill the vacancy in the office of the mayor not later than thirty (30)~~  
 12                   ~~days after the date on which the vacancy occurs for the unexpired term.~~  
 13                   ~~The members of the legislative body of the consolidated local~~  
 14                   ~~government may elect one (1) of their members to serve as temporary~~  
 15                   ~~mayor until they are able to hold the election to fill the vacancy for the~~  
 16                   ~~unexpired term. If the legislative council fails to elect a person to fill the~~  
 17                   ~~vacancy within thirty (30) days after the vacancy occurs, the Governor~~  
 18                   ~~shall fill the vacancy in the office by appointment of a qualified person~~  
 19                   ~~for the unexpired term].~~

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

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

25                   (1) Upon the successful passage of the question to consolidate a city of the first class  
 26                   and its county, all ordinances and resolutions of the previously existing city of the  
 27                   first class and all ordinances and resolutions of the county shall become effective

1 ordinances and resolutions of the consolidated local government until repealed,  
2 modified, or amended in accordance with the following order of precedence:

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

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

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

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

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

1 (5) The county attorney shall serve as the legal advisor and representative to the  
2 consolidated local government and except for those duties pertaining to fiscal court  
3 set forth in KRS 69.210, the county attorney shall retain and exercise all other  
4 duties, powers, and rights delegated to that office by law. **This subsection does not**  
5 **prevent the consolidated local government council or its two (2) largest political**  
6 **caucuses from retaining their own legal counsel for advice and consultation**  
7 **should they choose to do so.**

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

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

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

1 Government.

2 (2) Each legislative council member may hire one (1) full-time staff person. **In addition**  
3 **to that full-time staff person, the two (2) largest political caucuses within the**  
4 **legislative council may hire a minimum of two (2) full-time staff persons, but no**  
5 **more than four (4) full-time staff persons to meet the staffing needs of that**  
6 **caucus.**

7 →Section 5. KRS 67C.139 is amended to read as follows:

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

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

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

25 (2) **(a) When authorized by statute, the mayor shall, subject to legislative council**  
26 **approval, determine which statutorily created agencies, boards, and**  
27 **commissions require legislative council approval for the appointment of**

1 members.

2 (b) 1. Subject to legislative council approval, the mayor shall determine the  
 3 agencies, boards, and commissions to which legislative council  
 4 members shall be appointed. The mayor's determination under this  
 5 subparagraph shall be made in consultation with the Office of the  
 6 Attorney General and shall not violate the incompatible offices  
 7 prohibitions in KRS 61.080(3).

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

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

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

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

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

- 1 (1) Unless otherwise provided by law, any elected officer of a consolidated local  
2 government in case of misconduct, incapacity, or willful neglect in the performance  
3 of the duties of his or her office may be removed from office by the legislative  
4 council, sitting as a court, under oath, upon charges preferred by the mayor or by  
5 any five (5) members of the legislative council, or, in case of charges against the  
6 mayor, upon charges preferred by not less than ten (10) members of the legislative  
7 council. No legislative council member preferring a charge shall sit as a member of  
8 the legislative council when it tries that charge.
- 9 (2) No elected officer shall be removed without having been given the right to a full  
10 public hearing.
- 11 (3) A decision to remove a mayor, ~~or~~ legislative council member, **or appointee to an**  
12 **agency, board, commission, or officer or official of a department or division of**  
13 **the consolidated local government** shall require a vote of two-thirds (2/3) of the  
14 total number of legislative council members~~[sitting as a court]~~.
- 15 (4) Any elected officer removed from office under the provisions of this section may  
16 appeal to the Circuit Court and from there to the Court of Appeals. The appeal to  
17 the Circuit Court shall be taken and tried in the same manner as civil cases are tried.
- 18 (5) **(a)** No elected officer removed from office under this section shall be eligible to  
19 fill the office vacated before the expiration of the term to which the elected  
20 member was originally elected.
- 21 **(b)** **Any appointee to an agency, board, commission, or officer or official of a**  
22 **department or division of the consolidated local government removed under**  
23 **this section shall not be eligible for the office from which he or she was**  
24 **removed before five (5) years following the date of his or her removal from**  
25 **that office.**