

**RESOLUTION NO. \_\_\_\_\_, SERIES 2011**

**A RESOLUTION RECOMMENDING THE KENTUCKY GENERAL ASSEMBLY AND THE GOVERNOR AMEND KENTUCKY REVISED STATUTES [KRS] CHAPTER 67C.101 TO 67C.143.**

**Sponsored by:** Councilman Ken Fleming, District 7

Whereas, the Louisville Metro Council requests the Commonwealth of Kentucky General Assembly to amend Chapter 67C to enhance the general functions of the consolidated government; and

Whereas, to clarify the line of succession should the position of Mayor becomes vacant by identifying the presiding officer of Louisville Metro Council (the President of the Council) to assume the duties until the Louisville Metro Council can elect someone to assume the position; and

Whereas, to allow the Louisville Metro Council more time to review the budget by having the budget presented to the Louisville Metro Council forty-five (45) days prior to the fiscal year-end; and

Whereas, as a part of the each budget, Mayor should include alternative plans on how surplus revenues will be allocated and how reduction in the budget will be handled as result of a deficit; and

Whereas, it is desirable to have the terms of the office of mayor change from three (3) to two (2) to reflect the terms of other executive branches, like the Commonwealth of Kentucky's constitutional offices, as well as the President of the United States; and

Whereas, to recognize the value of non-partisan governments, particular with the City of Lexington, to recognize that the consolidated government mainly addresses issues pertaining to local initiatives, and to promote a more homogenous government entity, it is recommended that the elections of the Mayor and legislative Metro Council members be elected on a non-partisan basis commencing on the 2014 general election; and

Whereas, the Metro Council legislative terms shall be changed from no terms limit to a three (3) terms limit, beginning with the general election cycle of 2014; and

Whereas, it is appropriate to provide oversight through independent audits and investigations on those current or future government corporations, agencies, and boards of commissions that have budgets in excess of \$1M and that have council approval of mayoral appointees; and

Whereas, the Metro Council needs flexibility to determine if only one Council meeting is required during any month of the year, and

Whereas, it is desirable to provide, as an option, greater flexibility and resources for the Metro Council to retain its own internal legal research in writing ordinances and signing off on its legality and conformity.

**NOW THEREFORE, THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT [THE COUNCIL] RECOMMENDS THE KENTUCKY GENERAL ASSEMBLY AND THE GOVERNOR AMEND 67C AS REFLECTED BELOW:**

**Section I. 67C.103 Consolidated local government council -- Council districts - Redistricting following decennial census -- Terms, qualifications, and election of members and president -- Regular and special meetings -- Notice requirements -- Ordinances -- Vacancies -- Legislative powers -- Name of council.**

- (5) The members of a consolidated local government council shall be nominated and elected from the district in which they reside in *non-partisan* elections. ~~After the initial terms of office of the first elected council members,~~ Council members shall be elected in the same election years as other local government officials as regulated by the regular election laws of the Commonwealth and as provided in subsection (4) of this section. *Commencing with the general election of 2014, he or she shall serve for no more than three (3) consecutive terms after which time he or she shall be prohibited from running for election or being appointed as councilmember for a period of at least four (4) years and until a successor is qualified.*
- (8) The consolidated local government council shall upon notice meet with seven (7) days after its members have taken office, and shall thereafter hold at least ~~two (2)~~ one (1) regular meetings per month. No newspaper notice shall be required for regular or special meetings of the council and all meetings of committees of the council shall be held pursuant to KRS 61.805 to 61.850.
- (13) All legislative powers of a consolidated local government are vested in the consolidated local government council. The term "legislative power" is to be construed broadly and shall include the power to:
  - (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by a two-thirds (2/3) majority of the membership of the legislative council;
  - (b) Review the budgets of and appropriate money to the consolidated local government;
  - (c) Adopt a budget ordinance;
  - (d) Levy taxes, subject to the limitations of the Constitution and the laws of the Commonwealth of Kentucky;
  - (e) Establish standing and temporary committees; and
  - (f) Make independent audits and investigations concerning the affairs of the consolidated local government and of those boards, agencies, and commissions where the legislative council approves Mayoral appointments or where boards, agencies, and commissions receive funds from Metro Government whose budgets are equal to or in excess of \$1,000,000.

**Section II. 67C.105 Qualifications, election, title, and powers of mayor -- Procedure for filling vacancy in office of mayor.**

- (2) The mayor shall be nominated and elected in *non-partisan* elections for a term of four (4) years in the same election years as other local government officials as regulated by the regular election laws of the Commonwealth. The mayor shall assume office on the first Monday in January following his or her election. He or she shall serve until a successor qualifies and may serve for no more than ~~three (3)~~ two (2) consecutive terms after which time he or she shall be prohibited from running for election or being appointed as mayor for a period of at least four (4) years.
- (5) The mayor is authorized to supervise, administer, and control all departments and agencies as may be created by KRS 67C.101 to 67C.137 or created by ordinance. The mayor shall appoint all department and agency directors. The appointees shall serve at the pleasure of the mayor. Specifically, the mayor shall:
- (a) Prepare and submit an annual report coinciding with the fiscal year, on the state of the consolidated local government, to be presented at a public meeting of the council;
- (b) Submit an annual budget, which will include be two (2) alternative budget plans, forty-five (45) days prior to end of the fiscal year:
1. A surplus expenditure plan for the expenditure of general fund tax receipts exceeding the projected amount by two and one-half percent (2.5%). If the general fund revenues exceed the forecast amount by less than two and one-half percent (2.5%), the excess funds shall lapse to the surplus account of the general fund until appropriated by the legislative body of the consolidated local government.
  2. A budget reduction plan for the reduction of the adopted budget if projected or actual tax receipts accruing to the general fund are at least five percent (5%) below the revenue forecasts. The budget reduction plan shall not recommend universal percentage reductions, but shall weigh the needs of all budget units and shall strive to protect the highest possible level of service in their respective branches. If general fund tax receipts increase over the estimated deficits, then services and capital expenditures shall be restored in the reverse order of the reduced services and capital expenditures;
- (c) Oversee the administration and implementation of the adopted budget ordinance, In the event of an actual or projected deficit or surplus in tax receipts provided for in paragraph (b) of this subsection, the mayor shall within thirty (30) days notify the legislative body of the consolidated local government, the head of each department and agency of the consolidated local government and each union representing local government employees. This notification shall detail the status of the general fund and any actual or projected tax receipts
- (d) Enforce the ordinances of the consolidated local government;

- (e) Supervise all officers, agents, employees, cabinets, departments, offices, agencies, functions, and duties of the consolidated local government;
  - (f) Call special meetings of the consolidated local government council;
  - (g) Appoint and remove his or her own staff at his or her own pleasure;
  - (h) Execute written contracts, agreements or obligations of the consolidated local government;
  - (i) Submit any written contracts, agreements or obligations that is valued to equal to or exceed \$50,000 must be approved by the legislative council; and
  - (j) Approve or veto ordinances and resolutions adopted by the consolidated local government council.
- (6) In case the office of mayor becomes vacant by reason of death, resignation, or removal, the members of the legislative council of the consolidated local government shall by a majority vote of the membership of the council elect a qualified person to fill the vacancy in the office of mayor not later than thirty (30) days after the date on which the vacancy occurs for the unexpired term. ~~The members of the legislative body of the consolidated local government may elect one (1) of the members to serve as temporary mayor until they are able to hold election to fill the vacancy for the unexpired terms. The members~~ presiding officer of the legislative body of the consolidated government ~~may elect one (1) of their members to serve as temporary~~ shall administer the duties of the office of mayor until ~~they are~~ the legislative body is able to hold the election to fill the vacancy for the unexpired term. If the legislative council fails to elect a person to fill the vacancy within thirty (30) days after the vacancy occurs, the Governor shall fill the vacancy in the office by appointment of a qualified person for the unexpired terms.

**Section III. 67C.115 Continued existence of laws of county and of city of the first class after consolidation -- Resolution of conflicts between existing laws -- Enactment of new laws for consolidated local government -- County attorney to serve as legal adviser -- Exception -- Meaning given to titles in ordinances.67C.115**

- (5) The county attorney shall serve as the legal advisor and representative to the consolidated local government and except for those duties pertaining to fiscal court set forth in KRS 69.210, the county attorney shall retain and exercise all other duties, powers, and rights delegated to that office by law; however the Council has the option to retain its own internal legal research for the purpose of writing ordinances and signing off on its legality and conformity.

**Section IV. 67C.139 Authority over appointments upon establishment of consolidated local government.**

- (2) The mayor, ~~in consultation~~ with the legislative council approval, shall, when authorized by statute, determine which agencies, boards, and commissions created by statute shall require legislative council approval for the appointment of members to such agencies, boards, and commissions as well as identify which agencies, boards and commissions shall include two members of the legislative council. The legislative council shall enact an ordinance setting out the role of the legislative council, if any, in the appointment process for each individual agency, board, and commission created by statute. Only one (1) agency, board, or commission shall be addressed per ordinance. Such ordinance shall require a vote of the majority of the entire membership of the legislative council for approval and shall be subject to mayoral veto and legislative override pursuant to KRS 67C.103(13)(a) and 67C.105(5)(i).

**Section V. 67C.143 Removal of elected officers and appointments of consolidated local government – Hearing – Vote of council – Appeal --Vacancy.**

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

**Section VI. Effective Date**

Upon passage and approval, a letter along with a copy of this Resolution will be sent to all Jefferson County members of the Commonwealth of Kentucky General Assembly from the President of Metro Council requesting these changes to KRS 67C.

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Kathleen J. Herron  
Metro Council Clerk

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Jim King  
President of the Council

\_\_\_\_\_  
Greg Fischer  
Mayor

Approved: \_\_\_\_\_  
Date

**APPROVED AS TO FORM:**

Michael J. O'Connell  
Jefferson County Attorney

BY: \_\_\_\_\_