

TITLE III: ADMINISTRATION

Chapter

30. MAYOR-COUNCIL PLAN
31. CITY OFFICIALS
32. CITY COUNCIL
33. FINANCE AND REVENUE
34. PUBLIC RECORDS
35. TAXATION
36. CODE OF ETHICS
37. POLICE DEPARTMENT
38. PERSONNEL POLICIES
39. BOARDS AND COMMISSIONS

CHAPTER 30: MAYOR-COUNCIL PLAN

Section

- 30.01 Form of government
- 30.02 Governing officers

§ 30.01 FORM OF GOVERNMENT.

The form of government provided for this city shall be known as the “Mayor-Council Plan.”
(KRS 83A.130(1))

§ 30.02 GOVERNING OFFICERS.

(A) The city shall be governed by an elected executive who shall be called Mayor and by an elected legislative body which shall be called the City Council, and by such other officers and employees as are provided for by statute or city ordinance.
(KRS 83A.130(2))

(B) The City Council shall be composed of six members.
(KRS 83A.030(1))

CHAPTER 31: CITY OFFICIALS

Section

General Provisions

- 31.01 Oath; bond
- 31.02 Compensation
- 31.03 Removal from office

Elected Officials

- 31.20 Election procedure
- 31.21 Mayor
- 31.22 Councilmembers

Nonelected City Officials

- 31.35 Establishment of nonelected city offices
- 31.36 City Clerk
- 31.37 Public Works Superintendent

GENERAL PROVISIONS

§ 31.01 OATH; BOND.

(A) Oath. Each officer of the city shall, before entering upon the discharge of duties of his office, take the following oath: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of this Commonwealth, and the Constitution of the United States, and be faithful and true to the Commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of _____, according to law; and I do further solemnly swear (or affirm) that, since the adoption of the present Constitution, I being a citizen of this United States, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as a second in carrying a challenge, nor aided or assisted any person thus offending, so help me God," as established by section 228 of the Kentucky Constitution.

(B) Bond. Official bonds shall, if required, meet the standards of KRS 62.060.

§ 31.02 COMPENSATION.

(A) City Council shall establish the compensation of every elected city officer not later than the first Monday in May in the year in which the officer is elected. An elected officer's compensation shall not be changed after his election or during his term of office.

(1) In order to equate the compensation of Mayors and Councilmembers with the purchasing power of the dollar, the Governor's Office for Local Development shall compute by the second Friday in February of every year the annual increase or decrease in the consumer price index of the preceding year by using 1949 as the base year in accordance with section 246 of the Constitution of Kentucky, which provides that the Mayor in cities of the first class shall be paid at a rate no greater than \$12,000 per annum and Mayors in cities other than the first class and Councilmembers shall be paid at a rate no greater than \$7,200 per annum.

(2) The City Council shall set the compensation of these officers in accordance with KRS 83A.070 at a rate no greater than that stipulated by the Governor's Office for Local Development.

(B) The City Council shall fix the compensation of each appointed city officer by ordinance and may change it by ordinance.

(C) The City Council shall establish the compensation of city employees in accordance with the annual budget ordinance of the city.

(D) All fees and commissions authorized by law shall be paid into the city treasury for the benefit of the city and shall not be retained by any officer or employee.

Statutory reference:

Compensation, see KRS 83A.070 and 83A.075

§ 31.03 REMOVAL FROM OFFICE.

(A) Elected officers. Any elected officer, in case of misconduct, inability, or willful neglect in the performance of the duties of his office, may be removed from office by a unanimous vote of the members of the City Council exclusive of any member to be removed, who shall not vote in the deliberation of his removal. No elected officer shall be removed without having been given the right to a full public hearing. The officer, if removed, has the right to appeal to the circuit court of the county and the appeal shall be on the record. No officer so removed is eligible to fill the office vacated before the expiration of the term to which originally elected.

(B) Nonelected officers. Nonelected city officers may be removed by the Mayor at will, unless otherwise provided by state law or ordinance.

Statutory reference:

Removal of elected officers, see KRS 83A.040(9)

Removal of nonelected officers, see KRS 83A.080(2)

ELECTED OFFICIALS

§ 31.20 ELECTION PROCEDURE.

(A) Election of city officers is governed by general election laws as provided in KRS Chapters 116 through 121 unless City Council otherwise prescribes by ordinance that election of city officers shall be under nonpartisan city election laws as provided in KRS Chapter 83A. Such ordinance shall become effective not later than 23 days prior to the date prescribed by the election law generally for filing notification and declaration forms with the County Clerk in a year in which a regular election is to be held in which any city office is to be filled. Immediately subsequent to publication of any ordinance prescribing that election of city officers be under nonpartisan city election laws, a copy of the ordinance shall be filed with the County Clerk of the county in which the city is located.

(B) The city may change the manner of election of city officers within the provisions of division (A) of this section by ordinance, except that no change shall be made earlier than five years from the last change.

(C) The city shall pay the costs of city elections only if city elections are held at a time other than prescribed by law for elections generally.

(D) Each appointed and elected city office existing on July 15, 1980, shall continue until abolished by ordinance, except that the offices of Mayor and City Councilmembers may not be abolished.

(E) No abolition of any elected office shall take effect until expiration of the term of the current holder of the office.

(F) No ordinance abolishing any elected office shall be enacted later than 240 days preceding the regular election for that office, except in the event of a vacancy in the office.

(G) The city may not create any elected office. Existing elected offices may be continued under provision of divisions (D), (E), and (F) above, but no existing elected office may be changed.

(H) The city shall forego conducting a nonpartisan primary election for the nomination of candidates to city office as provided by KRS 83A.045(2)(b).

(I) All candidates running for elective city offices shall file their nomination papers with the Nelson County Clerk not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the second Tuesday in August before the day fixed by KRS Chapter 118 for holding a regular election for the office, and otherwise in accordance with KRS 83A.045(2)(b) and other applicable law.

(J) All nomination papers shall be filed no later than 4:00 p.m. local time when filed on the last day on which the papers are permitted to be filed.

(Am. Ord. 2005-49, passed 12-21-05)

Statutory reference:

Election of city officers, see KRS 83A.050

Creation, abolishment of city offices, see KRS 83A.080(3), (4)

§ 31.21 MAYOR.

(A) *Election; term of office.* The Mayor of this city shall be elected by the voters of the city at a regular election. A candidate for Mayor shall be a resident of the city for not less than one year prior to his or her election. His or her term of office begins on the first day of January following his or her election and shall be for four years and until his or her successor qualifies. If a person is elected or appointed as Mayor in response to a vacancy and serves less than four calendar years, then that period of service shall not be considered for purposes of re-election a term of office.

(B) *Qualifications.* The Mayor shall be at least 21 years of age, shall be a qualified voter in the city, and shall reside in the city throughout his or her term of office.

(C) *Vacancy.* If a vacancy occurs in the office of Mayor, Council shall fill the vacancy within 30 days. If for any reason, any vacancy in the office of Mayor is not filled within 30 days after it occurs, the Governor shall promptly fill the vacancy by appointment of a qualified person who shall serve for the same period as if otherwise appointed.

(KRS 83A.040(1), (2), (6))

(1) When voting to fill a vacancy in the office of Mayor, a member of the City Council shall not vote for himself or herself. (KRS 83A.040(2)(c))

(2) When voting to fill a vacancy created by the resignation of the Mayor, the resigning Mayor shall not vote on his or her successor. (KRS 83A.040(3))

(3) No vacancy by reason of a voluntary resignation in the office of Mayor shall occur unless a written resignation which specifies the resignation date is tendered to the City Council. The resignation shall be effective at the next regular or special meeting of the city legislative body occurring after the date specified in the written letter of resignation. (KRS 83A.040(7))

(4) If a vacancy occurs in the office of Mayor which is required by law to be filled temporarily by appointment, the City Council shall immediately notify in writing both the County Clerk and the Secretary of State of the vacancy. (KRS 83A.040(8))

(5) The City Council shall elect from among its members an individual to preside over meetings of the City Council during any vacancy in the office of the Mayor in accordance with the provisions of KRS 83A.130. (KRS 83A.040(2)(d))

(D) *Powers and duties.*

(1) The executive authority of the city is hereby vested in and shall be exercised by the Mayor. The Mayor shall enforce the Mayor-Council Plan, city ordinances and orders, and all applicable statutes. He or she shall supervise all departments of city government and the conduct of all city officers and employees under his or her jurisdiction and require each department to make reports to him or her as required by ordinance or as he or she deems desirable.

(2) The Mayor shall maintain liaison with related units of local government respecting interlocal contracting and joint activities.

(3) The Mayor shall report to the Council and to the public on the condition and needs of city government as he or she finds appropriate or as required by ordinance, but not less than annually. He or she shall make any recommendations for actions by the Council he or she finds in the public interest. (KRS 83A.130(3))

(4) Subject to disapproval of the Council, the Mayor shall promulgate procedures to insure orderly administration of the functions of city government and compliance with statutes or ordinances. Upon promulgation or upon revision or rescission of the procedures, copies shall be filed with the person responsible for maintaining city records. (KRS 83A.130(4))

(5) Any delegation of the Mayor's power, duties, or responsibilities to subordinate officers and employees and any expression of his official authority to fulfill executive functions shall be made by executive order. Executive orders shall be sequentially numbered by years and kept in a permanent file. (KRS 83A.130(7))

(6) All bonds, notes, contracts, and written obligations of the city shall be made and executed by the Mayor or his agent designated by executive order. (KRS 83A.130(8))

(7) The Mayor shall be the appointing authority with power to appoint and remove all city employees, including police officers, except as tenure and terms of employment are protected by statute, ordinance, or contract and except for employees of the Council. (KRS 83A.130(9))

(8) The Mayor shall provide for the orderly continuation of the functions of city government at any time he is unable to attend to the duties of his office by delegating responsibility for any function to be performed, in accordance with division (D)(5) above. However, the Mayor may not delegate the responsibility of presiding at meetings of the Council, and the authority to approve ordinances or promulgate administrative procedures may only be delegated to an elected officer. With approval of the Council, the Mayor may rescind any action taken in his absence under this section within 30 days of such action. If for any reason the disability of the Mayor to attend to his duties persists for 60 consecutive days, the office of Mayor may be declared vacant by a majority vote of the Council and the provisions of § 31.21(C) shall apply. (KRS 83A.130(10))

§ 31.22 COUNCILMEMBERS.

For provisions concerning City Council, see Chapter 32.

NONELECTED CITY OFFICIALS

§ 31.35 ESTABLISHMENT OF NONELECTED CITY OFFICES.

(A) All nonelected city offices shall be created by ordinance which shall specify:

- (1) Title of office;
- (2) Powers and duties of office;
- (3) Oath of office;
- (4) Bond, if required; and

(5) Compensation, which may be specifically established or set by reference to another ordinance in which the compensation is specifically established.

(B) With the exception of the Police Chief and all city police officers, all nonelected city officers shall be appointed by the Mayor with approval of City Council. The Police Chief and all city police officers shall be appointed by the Mayor at will and such appointments need not be approved by City Council.

(C) All nonelected officers may be removed by the Mayor at will unless otherwise provided by statute or ordinance.

(D) The following are nonelected city offices:

(1) City Clerk;

(2) Public Works Superintendent.

Statutory reference:

Nonelected city offices, see KRS 83A.080(1), (2)

§ 31.36 CITY CLERK.

(A) The city hereby establishes the office of the City Clerk.

(B) The office of City Clerk may, by ordinance, be combined with any other nonelected city office by inclusion of the title and duties of such office.

(C) The duties and responsibilities of the Clerk shall include, but are not limited to the following:

(1) Maintenance and safekeeping of the permanent records of the city;

(2) Performance of the duties required of the “official custodian” or “custodian” pursuant to KRS 61.870 through 61.882;

(3) Possession of the seal of the city if used;

(4) No later than January 31 of each year, mail to the Department for Local Government a list containing current city information including but not limited to the following:

(a) The correct name of the Mayor, legislative body members, and the following appointed officials who are serving as of January 1 of each year:

1. City Clerk/Treasurer;

2. City Attorney;

3. Police Chief; and

4. Public Works Director;

(b) The correct name of the city, mailing address for City Hall, and telephone number of the City Hall; and

(c) The name and telephone number of either an elected or appointed official to serve as a contact person that may be reached during normal business hours of 8:00 a.m. to 4:30 p.m.;

(5) Performance of all other duties and responsibilities required of the City Clerk by statute or ordinance.

(KRS 83A.085)

(D) Compensation shall be in the amount as established by the City Council from time to time as set forth in § 31.02.

(E) No person shall be appointed or act as the City Clerk unless such person has taken the oath required by section 228 of the Constitution of the Commonwealth of Kentucky and has provided bond, if required, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

§ 31.37 PUBLIC WORKS SUPERINTENDENT.

(A) The office of Public Works Superintendent is hereby established.

(B) The Public Works Superintendent shall be appointed by the Mayor with the approval of the City Council pursuant to KRS 83A.080; and may be removed by the Mayor at will.

(C) No person shall be appointed or act as the Public Works Superintendent unless such person has taken the oath required by section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond, if required by the city, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

(D) The compensation of the Public Works Superintendent shall be in an amount to be established by City Council by ordinance, in accordance with § 31.02 of this code.

(E) The position is directly responsible to the Mayor for the administration and coordination of the activities performed by the employees within the Department. The person filling this position will, on occasion, represent the city in an official capacity when requested to do so by the Mayor. The person holding this position is responsible for the proper maintenance of the physical plant of the city, including but not limited to, all gas, water, and sewer lines, the sewage and water treatment plants, city streets and sidewalks, and all other properties of the city for which the Department is assigned responsibility. The position is responsible for the supervision of all maintenance or construction of the physical plant, ensuring compliance with all state and federal regulations for water and sewage treatment, and performs

whatever other duties and/or functions may at times be seen as necessary for the proper operation of the Department or the city.

(F) Qualifications; required knowledge and abilities.

(1) *Qualifications.* Graduation from high school or equivalent. Possession of a valid Water and Wastewater Treatment Plant Operator's License, a Class II C-D Water Distribution Certificate, and Class II Wastewater Treatment Certification. Must possess a valid commercial drivers license. A minimum of three years of comparable work experience.

(2) *Required knowledge and abilities.* Thorough knowledge of the operation of water and wastewater treatment plants. Thorough knowledge of methods of water and sewer system repairs and maintenance. Thorough knowledge of the principles involved in the processing of samples and methods used in the chemical and physical analysis of samples. Knowledge of Division of Water regulations, OSHA regulations, and E.P.A. regulations. Considerable knowledge of layout of city water and sewer system. Skill in the care and operation of heavy and specialized equipment. Ability to prepare and maintain adequate records and reports. Mechanical ability to allow vehicle maintenance and upkeep. Skill in dealing with the public and handling complaints about city services in a courteous but firm manner. Must possess the ability to establish and maintain effective working relationships with city officers and employees, federal and state officials, and the general public. (Ord. passed 6- -94)

CHAPTER 32: CITY COUNCIL

Section

General Provisions

- 32.01 Members; election, qualifications, compensation
- 32.02 Vacancies
- 32.03 Powers and duties

Rules of Procedure

- 32.20 Mayor as Presiding Officer
- 32.21 Meetings
- 32.22 Quorum

Ordinances

- 32.35 One subject; title
- 32.36 Introduction; enacting clause
- 32.37 Form of amendment
- 32.38 Reading requirement; exception for emergency
- 32.39 Approval, disapproval by Mayor
- 32.40 Adoption of standard codes by reference
- 32.41 Official city records
- 32.42 Indexing and maintenance requirements
- 32.43 Publication requirements
- 32.44 Additional requirements for adoption may be established by city
- 32.45 Periodic review required
- 32.46 Municipal orders
- 32.47 Proved by Clerk; received in evidence
- 32.48 Legislative immunity

GENERAL PROVISIONS

§ 32.01 MEMBERS; ELECTION, QUALIFICATIONS, COMPENSATION.

(A) Election; term of office. Each Councilmember shall be elected at-large by the voters of the

city at a regular election. A candidate for City Council shall be a resident of the city for not less than one year prior to his or her election. Terms of office begin on the first day of January following the election and shall be for two years.

(B) Qualifications. A member shall be at least 18 years of age, shall be a qualified voter in the city, and shall reside in the city throughout his term of office.
(KRS 83A.040(4))

(C) Compensation. For provisions concerning compensation, see § 31.02.

§ 32.02 VACANCIES.

(A) Vacancies. If one or more vacancies on Council occur in a way that one or more members remain seated, the remaining members shall within 30 days fill the vacancies one at a time, giving each new appointee reasonable notice of his selection as will enable him to meet and act with the remaining members in making further appointments until all vacancies are filled. If vacancies occur in a way that all seats become vacant, the Governor shall appoint qualified persons to fill the vacancies sufficient to constitute a quorum. Remaining vacancies are filled as provided in this section.
(KRS 83A.040(5))

(1) No vacancy by reason of a voluntary resignation of a member of the City Council shall occur unless a written resignation which specifies a resignation date is tendered to the City Council. The resignation shall be effective at the next regular or special meeting of the city legislative body occurring after the date specified in the written letter of resignation.
(KRS 83A.040(7))

(2) If a vacancy occurs on the City Council which is required by law to be filled temporarily by appointment, the City Council shall immediately notify in writing both the County Clerk and the Secretary of State of the vacancy. (KRS 83A.040(8))

(B) Failure to fill vacancies. If for any reason, any vacancy on Council is not filled within 30 days after it occurs, the Governor shall promptly fill the vacancy by appointment of a qualified person who shall serve for the same period as if otherwise appointed.
(KRS 83A.040(6))

Statutory reference:

Filling of vacancies for nonpartisan city office, see KRS 83A.175

§ 32.03 POWERS AND DUTIES.

(A) The legislative authority of the city is hereby vested in and shall be exercised by the elected Council of the city. The Council may not perform any executive functions except those functions assigned to it by statute. (KRS 83A.130(11))

(B) The Council shall establish all appointive offices and the duties and responsibilities of those offices and codes, rules, and regulations for the public health, safety, and welfare. (KRS 83A.130(12))

(C) The Council shall provide, by ordinance, for sufficient revenue to operate city government and shall appropriate the funds of the city in a budget which provides for the orderly management of city resources. (KRS 83A.130(12))

(D) The Council may investigate all activities of city government. The Council may require any city officer or employee to prepare and submit to it sworn statements regarding the performance of his official duties. Any statement required by the Council to be submitted or any investigation undertaken by the Council, if any office, department, or agency under the jurisdiction of the Mayor is involved, shall not be submitted or undertaken unless and until written notice of the Council's action is given to the Mayor. The Mayor may review any statement before submission to the Council and to appear personally or through his designee on behalf of any department, office, or agency in the course of any investigation.
(KRS 83A.130(13))

RULES OF PROCEDURE

§ 32.20 MAYOR AS PRESIDING OFFICER.

(A) The Mayor shall preside at meetings of the Council. The Council has the authority to establish, by ordinance, the manner in which one of its number may be selected to preside at meetings of the Council in the absence of the Mayor.

(B) The Mayor may participate in Council proceedings, but shall not have a vote, except that he may cast the deciding vote in case of a tie.
(KRS 83A.130(5))

Cross-reference:

Council's responsibility to select one of its own members to preside when there is vacancy in the office of Mayor, see § 31.21

§ 32.21 MEETINGS.

(A) Regular meetings of the Council shall be held at 6:30 p.m. on the second Monday of each month. (Ord. 4-92-A, passed - -92)

(B) Special meetings of the Council may be called by the Mayor or upon written request of a majority of the Council. In the call, the Mayor or Council shall designate the purpose, time, and place of the special meeting with sufficient notice for the attendance of Council members and for compliance with KRS Chapter 61.

(C) At a special meeting no business may be considered other than that set forth in the designation of purpose

(D) The minutes of every meeting shall be signed by the person responsible for maintaining city records as provided under § 31.36 and by the officer presiding at the meeting.
(KRS 83A.130(11))

§ 32.22 QUORUM.

Unless otherwise provided by statute, a majority of the Council constitutes a quorum and a vote of a majority of a quorum is sufficient to take action.
(KRS 83A.060(6))

ORDINANCES

§ 32.35 ONE SUBJECT; TITLE.

Each ordinance shall embrace only one subject and shall have a title that clearly states the subject.
(KRS 83A.060(1))

§ 32.36 INTRODUCTION; ENACTING CLAUSE.

Each ordinance shall be introduced in writing and shall have an enacting clause styled “Be it ordained by the City of Bloomfield.”
(KRS 83A.060(2))

§ 32.37 FORM OF AMENDMENT.

No ordinance shall be amended by reference to its title only, and ordinances to amend shall set out in full the amended ordinance or section indicating any text being added by a single solid line drawn underneath it. Text that is intended to be removed shall be marked at the beginning with an opening bracket and at the end with a closing bracket. The text between the brackets shall be stricken through with a single solid line.
(KRS 83A.060(3))

§ 32.38 READING REQUIREMENT; EXCEPTION FOR EMERGENCY.

(A) Except as provided in division (B) of this section, no ordinance shall be enacted until it has been read on two separate days. The reading of an ordinance may be satisfied by stating the title and reading a summary rather than the full text.

(B) In an emergency, upon the affirmative vote of two-thirds of the membership, the Council may suspend the requirements of second reading and publication in order for an ordinance to become effective by naming and describing the emergency in the ordinance. Publication requirements of

§ 32.43 shall be complied with within ten days of the enactment of the emergency ordinance.
(KRS 83A.060(4), (7))

§ 32.39 APPROVAL, DISAPPROVAL BY MAYOR.

(A) All ordinances adopted by the Council shall be submitted to the Mayor who, within ten days after submission, shall either approve the ordinance by affixing his signature or disapprove it by returning it to the Council together with a statement of his objections.

(B) No ordinance shall take effect without the Mayor's approval unless he fails to return it to the legislative body within ten days after receiving it or unless the Council votes to override the Mayor's veto, upon reconsideration of the ordinance not later than the second regular meeting following its return, by the affirmative vote of one more than a majority of the membership.
(KRS 83A.130(6))

§ 32.40 ADOPTION OF STANDARD CODES BY REFERENCE.

The Council may adopt the provisions of any local, statewide, or nationally recognized standard code and codifications of entire bodies of local legislation by an ordinance that identifies the subject matter by title, source, and date and incorporates the adopted provisions by reference without setting them out in full, if a copy accompanies the adopting ordinance and is made a part of the permanent records of the city.
(KRS 83A.060(5))

§ 32.41 OFFICIAL CITY RECORDS.

(A) Every action of the Council is hereby made a part of the permanent records of the city and on passage of an ordinance the vote of each member of the Council shall be entered on the official record of the meeting.

(B) The Council has provided, under the provisions of §§ 31.36(C) and 32.42, for the maintenance and safekeeping of the permanent records of the city. The City Clerk and the presiding officer shall sign the official record of each meeting.
(KRS 83A.060(8))

§ 32.42 INDEXING AND MAINTENANCE REQUIREMENTS.

At the end of each month, all ordinances adopted in the city shall be indexed and maintained by the City Clerk in the following manner:

(A) The city budget, appropriations of money, and tax levies shall be maintained and indexed so that each fiscal year is kept separate from other years.

(B) All other city ordinances shall be kept in the minute book or an ordinance book in the order adopted and maintained in this code of ordinances.
(KRS 83A.060(8))

§ 32.43 PUBLICATION REQUIREMENTS.

(A) Except as provided in § 32.38(B), no ordinance shall be effective until published pursuant to KRS Chapter 424.

(B) Ordinances may be published in full or in summary as designated by the legislative body. If the legislative body elects to publish an ordinance in summary, the summary shall be prepared or certified by an attorney licensed to practice law in the Commonwealth of Kentucky and shall include the following:

(1) The title of the ordinance;

(2) A brief narrative setting forth the main points of the ordinance in a way reasonably calculated to inform the public in a clear and understandable manner of the meaning of the ordinance; and

(3) The full text of each section that imposes taxes or fees.

(C) Ordinances that include descriptions of real property may include a sketch, drawing, or map, including common landmarks, such as streets or roads in lieu of metes and bounds descriptions.
(KRS 83A.060(9))

§ 32.44 ADDITIONAL REQUIREMENTS FOR ADOPTION MAY BE ESTABLISHED BY CITY.

The city may, by ordinance, specify additional requirements for adoption of ordinances in greater detail than contained herein, but the city may not lessen or reduce the substantial requirements of this chapter or any statute relating to adoption of ordinances.
(KRS 83A.060(10))

§ 32.45 PERIODIC REVIEW REQUIRED.

Not less than once every five years all ordinances in this code of ordinances shall be examined for consistency with state law and with one another and shall be revised to eliminate redundant, obsolete, inconsistent, and invalid provisions.
(KRS 83A.060(11))

§ 32.46 MUNICIPAL ORDERS.

(A) Council may adopt municipal orders. All municipal orders shall be in writing and shall be adopted only at an official meeting. Orders may be amended only by a subsequent municipal order or ordinance. All orders adopted shall be maintained in an official order book.

(B) In lieu of an ordinance, municipal orders may be used for matters relating to the internal operation and functions of the city and to appoint or remove or approve appointment or removal of members of boards, commissions, and other agencies over which the Council has control.

(KRS 83A.060(12), (13))

§ 32.47 PROVED BY CLERK; RECEIVED IN EVIDENCE.

All ordinances and orders of the city may be proved by the signature of the City Clerk; and when the ordinances are placed in this code of ordinances by authority of the city, the printed copy shall be received in evidence by any state court without further proof of such ordinances.

(KRS 83A.060(14))

§ 32.48 LEGISLATIVE IMMUNITY.

For anything said in debate, Councilmembers shall be entitled to the same immunities and protections allowed to members of the General Assembly.

(KRS 83A.060(15))

Statutory reference:

Privileges of members of General Assembly, see KRS 6.050 and Ky. Const. § 43

CHAPTER 33: FINANCE AND REVENUE

Section

Financial Administration

- 33.01 Definitions
- 33.02 Accounting records and financial reports
- 33.03 Annual budget ordinance
- 33.04 Annual audit of city funds
- 33.05 Official depositories; disbursement of city funds
- 33.06 Investment policy

Improvements

- 33.10 Definitions
- 33.11 Financing of improvements
- 33.12 Apportionment of cost
- 33.13 Comprehensive report required
- 33.14 Public hearing required
- 33.15 Adoption of ordinance; notice to affected owners
- 33.16 Affected owner may contest
- 33.17 When city may proceed; assessment constitutes lien
- 33.18 Effect of additional property or change in financing

FINANCIAL ADMINISTRATION

§ 33.01 DEFINITIONS.

As used in this subchapter, unless the context otherwise requires, the following definitions shall apply:

BUDGET. A proposed plan for raising and spending money for specified programs, functions, activities, or objectives during a fiscal year.

DEBT SERVICE. The sum of money required to pay installments of principal and interest on bonds, notes, and other evidences of debt accruing within a fiscal year and to maintain sinking funds.

ENCUMBRANCES. Obligations in the form of purchase orders or contracts that are chargeable to an appropriation. An obligation ceases to be an encumbrance when paid or when the actual liability is recorded.

FISCAL YEAR. The accounting period for the administration of fiscal operations.

GENERALLY ACCEPTED GOVERNMENTAL AUDITING STANDARDS. Those standards for audit of governmental organizations, programs, activities and functions issued by the Comptroller General of the United States.

GENERALLY ACCEPTED PRINCIPLES OF GOVERNMENTAL ACCOUNTING. Those standards and procedures promulgated and recognized by the Governmental Accounting Standards Board.

(KRS 91A.010)

§ 33.02 ACCOUNTING RECORDS AND FINANCIAL REPORTS.

(A) The city shall keep its accounting records and render financial reports in such a way as to:

(1) Determine compliance with statutory provisions; and

(2) Determine fairly and with full disclosure the financial operations of constituent funds and account groups of the city in conformity with generally accepted governmental accounting principles.

(B) The municipal accounting system shall be organized and operated on a fund basis.

(KRS 91A.020)

§ 33.03 ANNUAL BUDGET ORDINANCE.

(A) The city shall operate under an annual budget ordinance adopted and administered in accordance with the provisions of this section. No moneys shall be expended from any governmental or proprietary fund except in accordance with a budget ordinance adopted pursuant to this section.

(B) Moneys held by the city as a trustee or agent for individuals, private organizations, or other governmental units need not be included in the budget ordinance.

(C) If in any fiscal year subsequent to a fiscal year in which the city has adopted a budget ordinance in accordance with this section, no budget ordinance is adopted, the budget ordinance of the previous fiscal year has full force and effect as if readopted.

(D) The budget ordinance of the city shall cover one fiscal year.

(E) Preparation of the budget proposal shall be the responsibility of the Mayor.

(F) The budget proposal shall be prepared in such form and detail as prescribed by ordinance.

(G) The budget proposal together with a budget message shall be submitted to Council not later than 30 days prior to the beginning of the fiscal year it covers. The budget message shall contain an explanation of the governmental goals fixed by the budget for the coming fiscal year; explain important features of the activities anticipated in the budget; set forth the reasons for stated changes from the previous year in program goals, programs, and appropriation levels; and explain any major changes in fiscal policy.

(H) (1) Council may adopt the budget ordinance making appropriations for the fiscal year in such sums as it finds sufficient and proper, whether greater or less than the sums recommended in the budget proposal. The budget ordinance may take any form that Council finds most efficient in enabling it to make the necessary fiscal policy decisions.

(2) No budget ordinance shall be adopted which provides for appropriations to exceed revenues in any one fiscal year in violation of Section 157 of the Kentucky Constitution.

(I) The full amount estimated to be required for debt service during the budget year shall be appropriated, for all governmental fund types.

(J) Council may amend the budget ordinance at any time after the ordinance's adoption, so long as the amended ordinance continues to satisfy the requirements of this section.

(K) Administration and implementation of an adopted budget ordinance shall be the responsibility of the Mayor. Such responsibility includes the preparation and submission to Council of operating statements, including budgetary comparisons of each governmental fund for which an annual budget has been adopted. Such reports shall be submitted not less than once every three months in each fiscal year.

(L) To the extent practical, the system utilized in the administration and implementation of the adopted budget ordinance shall be consistent in form with the accounting system called for in § 33.02.

(M) No city agency, or member, director, officer, or employee of any city agency, may bind the city in any way to any extent beyond the amount of money at that time appropriated for the purpose of the agency. All contracts, agreements, and obligations, express or implied, beyond such existing appropriations are void; nor shall any city officer issue any bond, certificate, or warrant for the payment of money by the city in any way to any extent, beyond the balance of any appropriation made for the purpose.

(KRS 91A.030)

§ 33.04 ANNUAL AUDIT OF CITY FUNDS.

(A) The city shall, after the close of each fiscal year, cause each fund of the city to be audited by the Auditor of Public Accounts or a certified public accountant. The audits shall be completed by February 1 immediately following the fiscal year being audited. Within ten days of the completion of the audit and its presentation to the city legislative body, pursuant to division (B)(5) of this section, the city shall forward an electronic copy or three paper copies of the audit report to the Department for Local Government for information purposes. The Department for Local Government shall forward one electronic or paper copy of the audit report to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975.

(B) The city shall enter into a written contract with the selected auditor. The contract shall set forth all terms and conditions of the agreement which shall include, but not be limited to, requirements that:

(1) The auditor be employed to examine the basic financial statements which shall include the government-wide and fund financial statements;

(2) The auditor shall include in the annual city audit report an examination of local government economic assistance funds granted to the city under KRS 42.450 to 42.495. The auditor shall include a certification with the annual audit report that the funds were expended for the purpose intended.

(3) All audit information be prepared in accordance with generally accepted governmental auditing standards which includes such tests of the accounting records and such auditing procedures as considered necessary under the circumstances. Where the audit is to cover the use of state or federal funds, appropriate state or federal guidelines shall be utilized;

(4) The auditor shall prepare a typewritten or printed report embodying:

(a) The basic financial statements and accompanying supplemental and required supplemental information;

(b) The auditor's opinion on the basic financial statements or reasons why an opinion cannot be expressed; and

(c) Findings required to be reported as a result of the audit.

(5) The completed audit and all accompanying documentation shall be presented to Council at a regular or special meeting.

(6) Any contract with a certified public accountant for an audit shall require the accountant to forward a copy of the audit report and management letters to the Auditor of Public Accounts upon request of the city or the Auditor of Public Accounts, and the Auditor of Public Accounts shall have the right to review the certified public accountant's workpapers upon request.

(C) A copy of an audit report which meets the requirements of this section shall be considered satisfactory and final in meeting any official request to the city for financial data, except for statutory or judicial requirements, or requirements of the Legislative Research Commission necessary to carry out the purposes of KRS 6.955 to 6.975.

(D) The city shall, within 30 days after the presentation of an audit to City Council, publish an advertisement, in accordance with KRS Chapter 424, containing:

(1) The auditor's opinion letter;

(2) The "Budgetary Comparison Schedules--Major Funds," which shall include the general fund and all major funds;

(3) A statement that a copy of the complete audit report, including financial statements and supplemental information, is on file at City Hall and available for public inspection during normal business hours;

(4) A statement that any citizen may obtain from City Hall a copy of the complete audit report, including financial statements and supplemental information, for his or her personal use;

(5) A statement which notifies citizens requesting a personal copy of the city audit report that they will be charged for duplication costs at a rate that shall not exceed \$0.25 per page; and

(6) A statement that copies of the financial statement prepared in accordance with KRS 424.220 are available to the public at no cost at the business address of the officer responsible for preparation of the statement.

(E) The city may utilize the alternative publication methods authorized by KRS 424.190(2) to comply with the provisions of this section.

(F) Any person who violates any provision of this section shall be fined not less than \$50 nor more than \$500. In addition, any officer who fails to comply with any of the provisions of this section shall, for each failure, be subject to a forfeiture of not less than \$50 nor more than \$500, in the discretion of the court, which may be recovered only once, in a civil action brought by any resident of the city. The costs of all proceedings, including a reasonable fee for the attorney of the resident bringing the action, shall be assessed against the unsuccessful party.

(KRS 91A.040)

Statutory reference:

Department for Local Government to provide assistance, see KRS 91A.050.

§ 33.05 OFFICIAL DEPOSITORIES; DISBURSEMENT OF CITY FUNDS.

(A) The Mayor shall designate as the city's official depositories one or more banks, federally insured savings and loan companies, or trust companies within the Commonwealth. The amount of funds

on deposit in an official depository shall be fully insured by deposit insurance or collateralized in accordance with 12 USC § 1823, to the extent uninsured, by any obligations, including surety bonds permitted by KRS 41.240(4).

(B) All receipts from any source of city money or money for which the city is responsible, which has not been otherwise invested or deposited in a manner authorized by law, shall be deposited in official depositories. All city funds shall be disbursed by written authorization approved by the Mayor which states the name of the person to whom funds are payable, the purpose of the payment, and the fund out of which the funds are payable. Each authorization shall be numbered and recorded.

(KRS 91A.060)

(C) The Mayor approves all bills for the city, with the exception of bills relating to water and sewer operations, as well as bills relating to parks. Approval for water and sewer bills has been delegated to the Public Works Superintendent. Parks bills are approved by the Park Committee. Two signatures are required on city checks and water and sewer checks. Park bills require only one signature. These procedures have been approved by the City Council.

§ 33.06 INVESTMENT POLICY.

(A) *General policy.* It is the policy of the city to invest public funds in a manner which will provide the highest investment return with the maximum security of principal while meeting the daily cash flow demands of the city and conforming to all state statutes and regulations governing the investment of public funds.

(B) *Investment authority.*

(1) Management responsibility for the city's investment program is hereby delegated to the City Treasurer, hereinafter referred to as the Treasurer. The Treasurer shall have the authority, subject to the disapproval of the City Council, to establish additional specific written procedures for the operation of the investment program which are consistent with this investment policy. The procedures shall include explicit delegation of authority, if any, to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer. The Treasurer shall be ultimately responsible for all transactions undertaken and shall establish a system of controls to regulate all activities related to the investment of city funds. The controls shall be designed to prevent and control losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets or imprudent action by officers and/or employees. The Treasurer shall maintain all records related to the entity's investment program.

(2) *Prudent person rule.*

(a) The actions of the Treasurer in the performance of his or her duties as manager of the city's funds shall be evaluated using the "prudent person" standard. Investments shall be made

with judgment and care under prevailing circumstances which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment considering the probable safety of their capital as well as the probable income to be derived.

(b) The Treasurer acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for an individual investment's performance, provided that deviations from expectations are reported in a timely fashion to the city and appropriate action is taken to control adverse developments.

(C) *Authorized investments.* The funds of the city available for investment shall be invested in accordance with this policy and all applicable state statutes only in the following types of investment instruments:

(1) *Authorized investment instruments.*

(a) Obligations of the United States and of its agencies and instrumentalities, including obligations subject to repurchase agreements, provided that delivery of these obligations subject to repurchase agreements is taken either directly or through an authorized custodian.

(b) Obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States or a United States government agency, including but not limited to:

1. United States Treasury;
2. Farmers Home Administration;
3. Government National Mortgage Corporation; and

(c) Obligations of the United States government, including but not limited to:

1. Federal Home Loan Mortgage Corporation;
2. Federal National Mortgage Association; and

(d) Certificates of deposit issued by or other interest bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation or similar entity or which are collateralized, to the extent uninsured, by any obligations permitted by KRS 41.240(4).

(2) *Limitation on investment transactions.* No investment shall be purchased for the city on a margin basis or through the use of any similar leveraging technique.

(D) *Diversification of investments.* The city recognizes that some level of risk is inherent in any investment transaction. Losses may be incurred due to issues default, market price changes, or closing investment prior to maturity date due to unanticipated cash flow needs. A primary method utilized to

minimize investment risk is diversification of the city's investments by institution, type of investment instrument and term of maturity. The Treasurer shall examine the city's investment options to determining how much diversification is needed in the investment of city funds and make recommendations to the city as to how transactions should be executed.

(E) *Safekeeping and custody.* To protect against potential fraud and embezzlement, investment assets may be secured through third-party custody and safekeeping procedures. The Treasurer and any other officers or employees of the city authorized to engage in investment transactions shall be bonded in an amount established by the city. The safekeeping procedures utilized in the city's investment program shall be reviewed annually by an independent auditor.

(F) *Authorized financial dealers and institutions.*

(1) The Treasurer shall maintain information on institutions authorized to provide investment services to the city. A list shall also be maintained regarding experience, qualifications and other appropriate information of investment agents desiring to do business with the city.

(2) The Treasurer shall evaluate the financial capacity and creditworthiness of institutions and/or investment agents prior to the investment of city funds to determine whether the institution or agent is capable and qualified to transact business with the city. The Treasurer shall conduct an annual review of the financial condition of financial institutions and investment agents and, based on the review, make any recommendations to the city regarding investment policies or program changes determined to be necessary.

(G) *Investment reporting.*

(1) The Treasurer shall prepare and submit to the City Council and annual report regarding the status of the city's investments. The report shall contain the following information on each investment:

(a) Type of investment and the name of financial institution from which the investment was purchased or assets deposited;

(b) Purchase date, purchase price and maturity date; and

(c) Percentage yield on an annualized basis.

(2) In connection with the audit of the city funds conducted by an independent certified public accountant, the auditor shall conduct a review of the city's investment program, including internal controls and procedures, and the results of the review, including recommended changes shall be included in the city's audit.

(M.O. 2-94, passed 12-12-94)

IMPROVEMENTS

§ 33.10 DEFINITIONS.

As used in this subchapter, unless the context otherwise requires, the following definitions shall apply:

ASSESSED VALUE BASIS. The apportionment of cost of an improvement according to the ratio the assessed value of individual parcels of property bears to the total assessed value of all such properties.

BENEFITS RECEIVED BASIS. The apportionment of cost of an improvement according to equitable determination by Council of the special benefit received by property from the improvement, including assessed value basis, front foot basis, and square foot basis, or any combination thereof, and may include consideration of assessed value of land only, graduation for different classes of property based on nature and extent of special benefits received, and other factors affecting benefits received.

COST. All costs related to an improvement, including planning, design, property or easement acquisition and construction costs, fiscal and legal fees, financing costs, and publication expenses.

FAIR BASIS. Assessed value basis, front foot basis, square foot basis, or benefits received basis.

FRONT FOOT BASIS. The apportionment of cost of an improvement according to the ratio the front footage on the improvement of individual parcels of property bears to such front footage of all such properties.

IMPROVEMENT. Construction of any facility for public use or services or any addition thereto, which is of special benefit to specific properties in the area served by such facility.

PROPERTY. Any real property benefitted by an improvement.

SPECIAL ASSESSMENT or *ASSESSMENT.* A special charge fixed on property to finance an improvement in whole or in part.

SQUARE FOOT BASIS. The apportionment of cost of an improvement according to the ratio the square footage of individual parcels of property bears to the square footage of all such property.
(KRS 91A.210)

§ 33.11 FINANCING OF IMPROVEMENTS.

(A) The city may not finance any improvement in whole or in part through special assessments except as provided in this subchapter and in any applicable statutes. (KRS 91A.200)

(B) Cost of an improvement shall be apportioned equitably on a fair basis.

(C) The city may provide for lump sum or installment payment of assessments or for bond or other long-term financing, and for any improvement may afford property owners the option as to method of payment or financing.

(KRS 91A.220)

Statutory reference:

Improvements, alternate methods, see KRS Ch. 107

§ 33.12 APPORTIONMENT OF COST.

The cost of any improvement shall be apportioned on a benefits received basis with respect to any property owned by the state, a local unit of government, or any educational, religious, or charitable organization. Council may assess such property in the same manner as for privately owned property or it may pay the costs so apportioned out of general revenues.

(KRS 91A.230)

§ 33.13 COMPREHENSIVE REPORT REQUIRED.

Before undertaking any improvements pursuant to this subchapter, the city shall prepare a comprehensive report setting out:

(A) The nature of the improvement;

(B) The scope and the extent of the improvement, including the boundaries or other description of the area to be assessed;

(C) The preliminary estimated cost of the improvement;

(D) The fair basis of assessment proposed;

(E) If financing of assessments is provided, the proposed method, including the proposed years to maturity of any bonds to be issued in connection with the improvement; and

(F) Such other information as may further explain material aspects of the improvement, assessments, or financing.

(KRS 91A.240)

§ 33.14 PUBLIC HEARING REQUIRED.

After preparation of the report required by § 33.13, the city shall hold at least one public hearing on the proposed improvement at which all interested persons shall be heard. Notice of the hearing shall be published pursuant to KRS Chapter 424, and mailed to each affected property owner by certified mail, return receipt requested, and shall include:

(A) The nature of the improvement;

(B) Description of area of the improvement;

(C) Statement that the city proposes to finance the improvement in whole or in part by special assessment of property and the method to be used;

(D) Time and place the report may be examined; and

(E) Time and place of the hearing.

(KRS 91A.250)

§ 33.15 ADOPTION OF ORDINANCE; NOTICE TO AFFECTED OWNERS.

Within 90 days of conclusion of the hearing, the city shall determine whether to proceed with the improvement by special assessments, and if it determines to proceed shall adopt an ordinance so stating and containing all necessary terms, including the items referred to in § 33.13 and a description of all properties. Promptly upon passage the city shall publish such ordinance pursuant to KRS Chapter 424 and shall mail by certified mail to each affected property owner a notice of determination to proceed with the project, the fair basis of assessment to be utilized, the estimated cost to the property owner, and the ratio the cost to each property owner bears to the total cost of the entire project.

(KRS 91A.260)

§ 33.16 AFFECTED OWNER MAY CONTEST.

(A) Within 30 days of the mailing of the notice provided for in § 33.15, any affected property owner may file an action in the circuit court of the county, contesting the undertaking of the project by special assessment, the inclusion of his property in the improvement, or the amount of his assessment. If the action contests the undertaking of the improvement by the special assessment method of the inclusion of the property of that property owner, no further action on the improvement insofar as it relates to any property owner who is a plaintiff shall be taken until the final judgment has been entered.

(B) The city may proceed with the improvement with respect to any properties whose owners have not filed or joined in an action as provided in this section or who have contested only the amounts of their assessments, and the provisions of the resolution are final and binding with respect to such property owners except as to contested amounts of assessments. After the lapse of time as herein provided, all actions by owners of properties are forever barred.

(KRS 91A.270)

§ 33.17 WHEN CITY MAY PROCEED; ASSESSMENT CONSTITUTES LIEN.

(A) After the passage of time for the action provided for in § 33.16, or after favorable final judgment in any such action, whichever comes later, the city may proceed with the improvement or part thereof stayed by the action, including notice requiring payment of special assessment or

installment thereon and bonds or other method proposed to finance the improvement. The first installment may be apportioned so that other payments will coincide with payment of ad valorem taxes.

(B) The amount of any outstanding assessment or installments thereof on any property, and accrued interest and other charges, constitutes a lien on the property to secure payment to the bondholders or any other source of financing of the improvement. The lien takes precedence over all other liens, whether created prior to or subsequent to the publication of the ordinance, except a lien for state and county taxes, general municipal taxes, and prior improvement taxes, and is not defeated or postponed by any private or judicial sale, by any mortgage, or by any error or mistake in the description of the property or in the names of the owners. No error in the proceedings of the Council shall exempt any benefitted property from the lien for the improvement assessment, or from payment thereof, or from the penalties or interest thereon, as herein provided.

(KRS 91A.280)

§ 33.18 EFFECT OF ADDITIONAL PROPERTY OR CHANGE IN FINANCING.

The city may undertake any further proceedings to carry out the improvement or any extension or refinancing thereof, except that §§ 33.13 through 33.17 applies if additional property is included in the improvement or if change is made in the method or period of financing; but additional property may be included in the improvement with the consent of the owner thereof without compliance with other sections if it does not increase the cost apportioned to any other property, or any other change may be made without such compliance if all property owners of the improvement consent.

(KRS 91A.290)

CHAPTER 34: PUBLIC RECORDS

Section

General Provisions

34.01 Definitions

Procedures for Requesting Public Records

34.05 Initial request with immediate inspection

34.06 Referral to proper custodian

34.07 Public records not immediately available

34.08 Refusal of unreasonable requests

34.09 Time limitation; denial of inspection

34.10 Concealing or destroying records prohibited

34.11 Access to records relating to particular individual

34.12 Format of copies

34.13 Fees for copies

34.14 Misstatement of purpose prohibited

34.15 Online access to public records in electronic form

34.16 Public records protected from disclosure

34.17 Notification of the Attorney General

GENERAL PROVISIONS

§ 34.01 DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

CITY. The city government of this city.

COMMERCIAL PURPOSE. The direct or indirect use of any part of a public record or records, in any form, for sale, resale, solicitation, rent, or lease of a service, or any use by which the user expects a profit either through commission, salary, or fee. *COMMERCIAL PURPOSE* shall not include:

- (1) Publication or related use of a public record by a newspaper or periodical;
- (2) Use of a public record by a radio or television station in its new or other informational programs; or
- (3) Use of a public record in the preparation for prosecution or defense of litigation, or claims settlement by the parties to such action, or the attorneys representing the parties.

CUSTODIAN. The official custodian or any authorized person having personal custody and control of public records. The *CUSTODIAN* having personal custody of most of the public records of this city is the City Clerk.

MECHANICAL PROCESSING. Any operation or other procedure which is transacted on a machine, and which may include, but is not limited to a copier, computer, recorder or tape processor, or other automated device.

MEDIA. The physical material in or on which records may be stored or represented, and which may include, but is not limited to paper, microform, disks, diskettes, optical disks, magnetic tapes, and cards.

OFFICIAL CUSTODIAN. The chief administrative officer or any other officer or employee of a public agency who is responsible for the maintenance, care, and keeping of public records, regardless of whether such records are in his actual personal custody and control. The *OFFICIAL CUSTODIAN* of this city shall be the Mayor.

PERSON. A human being who makes a request for inspection of public records.

PRESCRIBED FEE or *FEE.* The fair payment required by the city for making copies of public records and for mailing public records, which shall not exceed the actual cost thereof and shall not include the cost of required staff time.

PUBLIC AGENCY. The city, including its legislative body and every officer, department and division of the city; every entity created by authority of the city; any board, commission, committee, subcommittee, ad hoc committee, advisory committee, council or agency created and controlled by the city; and any interagency body in which the city participates.

PUBLIC RECORDS. All books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by the public agency. *PUBLIC RECORDS* shall not include any records owned or maintained by or for the public agency that are not related to functions, activities, programs, or operations funded by the public agency nor any records that may be excluded by § 34.16.

REQUEST. An oral or written application by any person to inspect public records of the agency.

SOFTWARE. The program code which makes a computer system function, but does not include

that portion of the program code which contains public records exempted from inspection as provided by KRS 61.878 or specific addresses of files, passwords, access codes, user identifications, or any other mechanism for controlling the security or restricting access to public records in the public agency's computer system. *SOFTWARE* consists of the operating system, application programs, procedures, routines, and subroutines such as translators and utility programs, but does not include that material which is prohibited from disclosure or copying by a license agreement between a public agency and an outside entity which supplied the material to the agency.
(KRS 61.870)

PROCEDURES FOR REQUESTING PUBLIC RECORDS

§ 34.05 INITIAL REQUEST WITH IMMEDIATE INSPECTION.

(A) Any person desiring to inspect or copy the public records of this city shall make a request for inspection at the office of the City Clerk during regular office hours, except during legal holidays. The official custodian, or the custodian acting under the authority of the official custodian, may require a request to inspect public records to be in writing, signed by the applicant and with the applicant's name printed legibly on the application. A written request to inspect public records may be presented by hand delivery, mail or via facsimile, if one is available.

(B) If the custodian determines that a person's request is in compliance with this chapter and the open records law, and the requested public records are immediately available, the custodian shall deliver the records for inspection. A person may inspect public records at the designated office of the city during the regular office hours, or in appropriate cases, by receiving copies of the records through the mail.

(C) If the public records are to be inspected at the offices of the city, suitable facilities shall be made available in the office of the City Clerk or in another office of the city as determined by the official custodian or custodian for the inspection. No person shall remove original copies of public records from the offices of the city without the written permission of the official custodian of the record. When public records are inspected at the city offices, the person inspecting the records shall have the right to make abstracts and memoranda of the public records and to obtain copies of all written public records. When copies are requested, the custodian may require advance payment of the prescribed fee.

(D) Upon proper request, the city shall mail copies of the public records to a person whose residence or principal place of business is located outside of the county after the person precisely describes the public records which are readily available and after the person pays in advance the prescribed fee.

§ 34.06 REFERRAL TO PROPER CUSTODIAN.

If the City Clerk does not have custody or control of the public record or records requested, the City Clerk shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records.

(KRS 61.872(4))

§ 34.07 PUBLIC RECORDS NOT IMMEDIATELY AVAILABLE.

If the public record is in active use, in storage, or not otherwise available, the official custodian shall immediately notify the applicant and shall designate a place, time, and date for inspection or mailing of the public records, not to exceed three days (excepting Saturdays, Sundays, and legal holidays) from receipt of the application, unless a detailed explanation of the cause is given for further delay and the place, time, and earliest date on which the public record will be available for inspection or duplication.

(KRS 61.872(5))

§ 34.08 REFUSAL OF UNREASONABLE REQUESTS.

If the application places an unreasonable burden in producing public records, or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records or mail copies thereof. However, refusal under this section must be sustained by clear and convincing evidence.

(KRS 61.872(6))

§ 34.09 TIME LIMITATION; DENIAL OF INSPECTION.

The official custodian, upon any request for records made under this chapter, shall determine within three days (excepting Saturdays, Sundays, and legal holidays) after the receipt of any request whether to comply with the request and shall notify in writing the person making the request within the three-day period of its decision. Any agency response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian or under his authority and shall constitute final agency action.

(KRS 61.880)

§ 34.10 CONCEALING OR DESTROYING RECORDS PROHIBITED.

No official of the city shall willfully conceal or destroy any record with the intent to violate the provisions of this chapter or these rules and regulations.

§ 34.11 ACCESS TO RECORDS RELATING TO PARTICULAR INDIVIDUAL.

Any person shall have access to any public record relating to him or in which he is mentioned by name, upon presentation of appropriate identification, subject to the provisions of § 34.16 of these rules and regulations.

(KRS 61.884)

§ 34.12 FORMAT OF COPIES.

(A) Upon inspection, the applicant shall have the right to make abstracts of the public records and memoranda thereof, and to obtain copies of all public records not exempted by the terms of § 34.16. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee, including postage where appropriate. If the applicant desires copies of public records other than written records, the custodian of the records shall duplicate the records or permit the applicant to duplicate the records; however, the custodian shall ensure that such duplication will not damage or alter the original records.

(B) (1) Nonexempt public records used for noncommercial purposes shall be available for copying in either standard electronic or standard hard copy format, as designated by the party requesting the records, where the agency currently maintains the records in electronic format. Nonexempt public records used for noncommercial purposes shall be copied in standard hard copy format where agencies currently maintain records in hard copy format. Agencies are not required to convert hard copy format records to electronic formats.

(2) The minimum standard format in paper form shall be defined as not less than 8½ inches x 11 inches in at least one color on white paper, or for electronic format, in a flat file electronic American Standard Code for Information Interchange (ASCII) format. If the public agency maintains electronic public records in a format other than ASCII, and this format conforms to the requestor's requirements, the public record may be provided in this alternate electronic format for standard fees as specified by the public agency. Any request for a public record in a form other than the forms described in this section shall be considered a nonstandardized request.

(KRS 61.874(1) - (3))

§ 34.13 FEES FOR COPIES.

(A) The public agency may prescribe a reasonable fee for making copies of nonexempt public records requested for use for noncommercial purposes which shall not exceed the actual cost of reproduction, including the costs of the media and any mechanical processing cost incurred by the public agency, but not including the cost of staff required. If a public agency is asked to produce a record in a nonstandardized format, or to tailor the format to meet the request of an individual or a group, the public agency may at its discretion provide the requested format and recover staff costs as well as any actual costs incurred.

(B) (1) Unless an enactment of the General Assembly prohibits the disclosure of public records

to persons who intend to use them for commercial purposes, if copies of nonexempt public records are requested for commercial purposes, the public agency may establish a reasonable fee.

(2) The public agency from which copies of nonexempt public records are requested for a commercial purpose may require a certified statement from the requestor stating the commercial purpose for which they shall be used, and may require the requestor to enter into a contract with the agency. The contract shall permit use of the public records for the stated commercial purpose for a specified fee.

(3) The fee provided for in division (B)(1) of this section may be based on one or both of the following:

(a) Cost to the public agency of media, mechanical processing, and staff required to produce a copy of the public record or records;

(b) Cost to the public agency of the creation, purchase, or other acquisition of the public records.

(KRS 61.874(3), (4))

Cross-reference:

Fees for online access to public records, see § 34.15

§ 34.14 MISSTATEMENT OF PURPOSE PROHIBITED.

It shall be unlawful for a person to obtain a copy of any part of a public record for a:

(A) Commercial purpose, without stating the commercial purpose, if a certified statement from the requestor was required by the public agency pursuant to § 34.13;

(B) Commercial purpose, if the person uses or knowingly allows the use of the public record for a different commercial purpose; or

(C) Noncommercial purpose, if the person uses or knowingly allows the use of the public record for a commercial purpose. A newspaper, periodical, radio or television station shall not be held to have used or knowingly allowed the use of the public record for a commercial purpose merely because of its publication or broadcast, unless it has also given its express permission for that commercial use.

(KRS 61.874(5)) Penalty, see § 10.99

§ 34.15 ONLINE ACCESS TO PUBLIC RECORDS IN ELECTRONIC FORM.

(A) Online access to public records in electronic form may be provided and made available at the discretion of the public agency. If a party wishes to access public records by electronic means and the public agency agrees to provide online access, a public agency may require that the party enter into a contract, license, or other agreement with the agency, and may charge fees for these agreements.

(B) Fees shall not exceed:

(1) The cost of physical connection to the system and reasonable cost of computer time access charges; and

(2) If the records are requested for a commercial purpose, a reasonable fee based on the factors set forth in § 34.13.

(KRS 61.874(6))

§ 34.16 PUBLIC RECORDS PROTECTED FROM DISCLOSURE.

(A) The following public records are excluded from the application of this chapter and these rules and regulations and shall be subject to inspection only upon order of a court of competent jurisdiction, except as provided in KRS 61.878(1) that no court shall authorize the inspection by any party of any materials pertaining to civil litigation beyond that which is provided by the Rules of Civil Procedure governing pretrial discovery:

(1) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(2) Records confidentially disclosed to an agency and compiled and maintained for scientific research. This exemption shall not, however, apply to records the disclosure or publication of which is directed by other statute.

(3) (a) Records confidentially disclosed to the agency, or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

(b) Records confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which are compiled and maintained:

1. In conjunction with an application for or the administration of a loan or a grant;

2. In conjunction with an application for or the administration of assessments, incentives, inducements, and tax credits as described in KRS Ch. 154;

3. In conjunction with the regulation of commercial enterprise, including mineral exploration records, unpatented, secret commercially valuable plans, appliances, formulae, or processes, which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person; or

4. For the grant or review of a license to do business.

(c) The exemptions provided for in divisions (A)(3)(a) and (b) above, shall not apply to records the disclosure or publication of which is directed by statute.

(4) Public records pertaining to a prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within, or expanding within the Commonwealth. This exemption shall not include those records pertaining to applications to agencies for permits or licenses necessary to do business or to expand business operations within the state, except as provided in division (A) (2) above.

(5) Public records which are developed by an agency in conjunction with the regulation or supervision of financial institutions, including but not limited to, banks, savings and loan associations, and credit unions, which disclose the agency's internal examining or audit criteria and related analytical methods.

(6) The contents of real estate appraisals or engineering or feasibility estimates and evaluations made by or for a public agency relative to the acquisition of property, until such time as all of the property has been acquired. The law of eminent domain shall not be affected by this provision.

(7) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the exam is given or if it is to be given again.

(8) Records of law enforcement agencies or agencies involved in administrative adjudication that were compiled in the process of detecting and investigating statutory or regulatory violations, if the disclosure of the information would harm the agency by revealing the identity of informants not otherwise known or by premature release of information to be used in a prospective law enforcement action or administrative adjudication. Unless exempted by other provisions of this chapter, public records exempted under this provision shall be open after enforcement action is completed or a decision is made to take no action. The exemptions provided by this subdivision shall not be used by the custodian of the records to delay or impede the exercise of rights granted by this chapter.

(9) (a) Public records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to:

1. Criticality lists resulting from consequence assessments;
2. Vulnerability assessments;
3. Antiterrorism protective measures and plans;
4. Counterterrorism measures and plans;

5. Security and response needs assessments;

6. Infrastructure records that expose a vulnerability referred to in this division through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems;

7. The following records when their disclosure will expose a vulnerability referred to in this division: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility or security systems of any building or facility owned, occupied, leased or maintained by a public agency; and

8. Records when their disclosure will expose a vulnerability referred to in this division and that describe the exact physical location of hazardous chemical, radiological, or biological materials.

(b) As used in this division, “terrorist act” means a criminal act intended to:

1. Intimidate or coerce a public agency or all or part of the civilian population;

2. Disrupt a system identified in division (A)(9)(a)6.; or

3. Cause massive destruction to a building or facility owned, occupied, leased, or maintained by a public agency.

(c) On the same day that a public agency denies a request to inspect a public record for a reason identified in this division, that public agency shall forward a copy of the written denial of the request, referred to in KRS 61.880(1), to the executive director of the Kentucky Office of Homeland Security and the Attorney General;

(d) Nothing in this division shall affect the obligations of a public agency with respect to disclosure and availability of public records under state environmental, health, and safety programs;

(e) The exemption established in this division shall not apply when a member of the Kentucky General Assembly seeks to inspect a public record identified in this division under the Open Records Law.

(10) Preliminary drafts, notes, or correspondence with private individuals, other than correspondence which is intended to give notice of final action of a public agency.

(11) Preliminary recommendations and preliminary memoranda in which opinions are expressed or policies formulated or recommended.

(12) All public records or information the disclosure of which is prohibited by federal law or regulation.

(13) Public records or information the disclosure of which is prohibited or restricted or otherwise made confidential by enactment of the General Assembly.

(B) No exemption under this section shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person. In addition, if any public record contains material which is not excepted under this section, the city shall separate the excepted and make the nonexcepted material available for examination, subject to the possible applicability of § 34.08.

(C) The provisions of this section shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

(D) No exemption under this section shall be construed to deny, abridge, or impede the right of a municipal employee, an applicant for employment, or an eligible on a register to inspect and copy any record, including preliminary and other supporting documentation, that relates to him. Such records shall include, but not be limited to work plans, job performance, demotions, evaluations, promotions, compensation, classification, reallocation, transfers, layoffs, disciplinary actions, examination scores, and preliminary and other supporting documentation. A city employee, applicant, or eligible shall not have the right to inspect or copy any examination or any documents relating to ongoing criminal or administrative investigations by any agency.

(KRS 61.878)

§ 34.17 NOTIFICATION OF THE ATTORNEY GENERAL.

The official custodian shall notify the Attorney General of any actions filed against the city in circuit court regarding the enforcement of the open records law, KRS 61.870 to 61.884.

CHAPTER 35: TAXATION

Section

- 35.01 County assessment adopted
- 35.02 Due date; payment
- 35.03 Delinquency
- 35.04 Ad valorem taxes on motor vehicles and motorboats
- 35.05 Disposition of funds
- 35.06 Bank franchise local deposit tax
- 35.07 Enforcement of tax liens

§ 35.01 COUNTY ASSESSMENT ADOPTED.

(A) Pursuant to the authority granted in KRS 132.285, the city hereby adopts the Nelson County assessment for all real and personal property situated within the city as the basis of all ad valorem tax levies ordered or approved by the City Council.

(B) The assessment as finally determined for county tax purposes shall serve as the basis for all city levies for the fiscal year commencing after the assessment date.

(C) Pursuant the authority KRS Chapters 1 and 99 grant to local governments to establish property assessment and reassessment moratoriums, the city shall hereby honor any and all real property assessments or reassessment moratorium certificates for qualifying units of residential and commercial real property 25 years or older granted by the County Fiscal Court for real property located within the city.

(1) The applicant shall be responsible for providing written proof to the city that the property has been approved through the county's moratorium process.

(2) On the assessment dated next following the expiration, cancellation or revocation of an assessment or reassessment moratorium certificate, the property shall be assessed on the basis of its full fair cash value.

(Ord. 2014-94, passed 8-11-14)

§ 35.02 DUE DATE; PAYMENT.

(A) All taxes, except ad valorem taxes on motor vehicles, shall become due on November 15.

(B) Any taxpayer who pays his city taxes before November 15 shall be entitled to a 2% discount thereon, and the Clerk shall allow the discount and give a receipt in full to the taxpayer.

(C) Any tax payer who pays his city taxes between November 15 and January 15 shall pay the assessed rate.

§ 35.03 DELINQUENCY.

(A) All city taxes, except ad valorem taxes on motor vehicles, shall become delinquent after January 15 following their due dates.

(B) Any taxes not paid by the date when they become delinquent shall be subject to:

(1) A penalty of 12% on the taxes due and unpaid;

(2) Interest on all amounts past due at the rate of 12% per annum, compounded annually; and

(3) An additional charge equal in amount to all costs and expenses (including, without limitation, court costs and attorneys' fees) incidental to any action taken by the city for collection of delinquent tax bills(s) and all other amounts due under this section, all of which shall be secured by a lien on the subject property as provided herein and as otherwise provided by applicable law.

(C) Delinquent taxes shall be collectable under the provisions of the state law relating to the collection of delinquent taxes by cities of the fifth class.

(Am. Ord. 2007-57, passed 4-9-07)

§ 35.04 AD VALOREM TAXES ON MOTOR VEHICLES AND MOTORBOATS.

(A) All ad valorem taxes on motor vehicles shall be collected by the Nelson County Clerk in accordance with KRS 134.800.

(B) Ad valorem taxes on motor vehicles shall become due and delinquent as set forth in KRS 134.810 and any such taxes not paid by the date when they become delinquent shall be subject to the penalty and interest specified in KRS 134.810.

(C) Ad valorem taxes on motorboats shall be collected by the Nelson County Clerk, in accordance with KRS 134.830.

§ 35.05 DISPOSITION OF FUNDS.

All monies collected from the taxes levied in this chapter shall be paid into the General Fund of the city to be used for the payment of proper expenditures as determined by the City Council.

§ 35.06 BANK FRANCHISE LOCAL DEPOSIT TAX.

(A) There is hereby imposed on all financial institutions, as defined in KRS Ch. 136, located within the corporate limits of the city, for the 1996 tax year and all subsequent years, a franchise tax at the rate of 0.025% on all deposits, as defined in KRS Ch. 136, maintained by such financial institutions.

(B) For transition purposes, the 1996 tax year will be treated differently in terms of collection of taxes than for all subsequent years. For the 1996 tax year, the following timetable is hereby established:

The city will issue tax bills to financial institutions no later than May 1, 1997. Payment of the tax shall be due with a two percent discount by May 31, 1997, or without the discount by June 30, 1997.

(C) For all tax years subsequent to the 1996 tax year, the following timetable is hereby established:

The city will issue tax bills to financial institutions no later than December 1 of each year. Payment of the tax shall be due with a two percent discount by December 31 of each year, or without the discount by January 31 of each year.

(Ord. 96-3, passed 8-12-96)

§ 35.07 ENFORCEMENT OF TAX LIENS

(A) The city shall have a lien for taxes upon any and all property subject to the tax imposed by these sections, which lien shall be superior to all encumbrances prior or subsequent.

(B) All taxes due in accordance with these sections which are not paid before June 30, 1997, for the tax year 1996, or which are not paid before January 31, for all subsequent tax years, shall be deemed delinquent and shall be subject to a penalty of two percent and shall bear interest at the rate of eight percent per annum.

(C) All moneys collected pursuant to these sections shall be paid into the general fund of the city to be used for the payment of proper expenditures as determined by the City Council.

(D) The City Clerk is hereby directed to send a copy of this section to the Commissioner of the Kentucky Department of Revenue, Frankfort, Kentucky.

(Ord. passed 9-9-64; Am. Ord. 96-3, passed 8-12-96)

CHAPTER 36: CODE OF ETHICS

Section

General Provisions

36.01 Definitions

Standards of Conduct

36.15 Compliance required

36.16 Conflicts of interest generally

36.17 Conflicts of interest in contracts

36.18 Receipt of gifts

36.19 Misuse of confidential information

36.20 Representation of interests before city government

Financial Disclosure

36.30 Officers and employees required to file

36.31 Contents of financial disclosure statement

36.32 Filing of statement; due date; official custodian

36.33 Delinquency; failure to file

Nepotism

36.45 Nepotism prohibited

Administration and Enforcement

36.55 Appeals

36.56 Filing false complaints

36.99 Penalty

Cross-reference:

Board of Ethics, see §§ 39.10 and 39.11

GENERAL PROVISIONS

§ 36.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPOINTED OFFICER. The City Clerk, any person appointed to a non-elected office created under KRS 83A.080, or any member of the governing body of any city agency who has been appointed to the governing body of the agency by the city.

BUSINESS. Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit.

BOARD OF ETHICS. The city Board of Ethics which is created and vested by this chapter with the responsibility of enforcing the requirements of the city's code of ethics.

CANDIDATE. Any individual who seeks nomination or election to a city government office.

CITY AGENCY. Any board, commission, authority, non-stock corporation, or other entity created, either individually or jointly, by the city.

COMMONWEALTH. The Commonwealth of Kentucky.

EMPLOYEE. Any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides service to the city. The term *EMPLOYEE* shall not include any contractor or subcontractor or any of their employees.

FAMILY MEMBER. Any spouse, parent, child, brother, sister, grandparent or grandchild.

IMMEDIATE FAMILY MEMBER. A spouse, an unemancipated child residing in the household of a city officer or employee, or a person claimed by the officer or employee, or the spouse of an officer or employee, as a dependent for tax purposes.

OFFICER. Any person, whether full-time or part-time, and whether paid or unpaid, who holds the position of Mayor or City Council member, or member of the governing body of a city agency.
(Ord. passed 11-7-94)

STANDARDS OF CONDUCT

§ 36.15 COMPLIANCE REQUIRED.

All city officers and employees shall comply with the standards of conduct set forth in this subchapter.

(Ord. passed 11-7-94)

§ 36.16 CONFLICTS OF INTEREST GENERALLY.

(A) No elected or appointed city officer or employee, or any immediate family member of any officer or employee, shall have any interest in a business or engage in any business, transaction, or activity, which is in substantial conflict with the proper discharge of the officer's or employee's public duties.

(B) No elected or appointed city officer or employee shall intentionally use or attempt to use his or her official position with the city to secure unwarranted privileges or advantages for himself or herself or others.

(C) No elected or appointed city officer or employee shall intentionally take or refrain from taking any discretionary action, or agree to take or refrain from taking any discretionary action, or induce or attempt to induce any other officer or employee to take or refrain from taking any discretionary action, on any matter before the city in order to obtain a financial benefit for any of the following:

- (1) The officer or employee;
- (2) A family member;
- (3) An outside employer;
- (4) Any business in which the officer or employee, or any family member has a financial interest;
- (5) Any business with which the officer or employee or any family member is negotiating or seeking prospective employment or other business or professional relationship.

(D) No elected or appointed city officer or employee shall be deemed in violation of any provisions in this section if by reason of the officer's or employee's participation, vote, decision, action or inaction, no financial benefit accrues to the officer or employee, a family member, an outside employer, or a business as defined in division (C) of this section, as a member of any business, occupation, profession, or other group, to any greater extent than any gain could reasonably be expected to accrue to any other member of the business, occupation, profession, or other group.

(E) Every elected or appointed city officer or employee who has a prohibited financial interest

which he or she believes or has reason to believe may be affected by his or her participation, vote, decision or other action taken within the scope of his or her public duties shall disclose the precise nature and value of the interest, in writing, to the City Council, and the disclosure shall be entered on the official record of the proceedings of the City Council. The officer or employee shall refrain from taking any action with respect to the matter that is the subject of the disclosure.

(Ord. passed 11-7-94) Penalty, see § 36.99

§ 36.17 CONFLICTS OF INTEREST IN CONTRACTS.

(A) No elected or appointed city officer or employee shall directly or through others undertake, execute, hold, or enjoy, in whole or in part, any contract made, entered into, awarded, or granted by the city, except as follows:

(1) The prohibition in division (A) of this section shall not apply to contracts entered into before an elected officer filed as a candidate for city office, before an appointed officer was appointed to his or her position with the city, or before an employee was hired by the city. However, if any contract entered into by a city officer or employee before he or she became a candidate, or was hired as an employee, is renewable after he or she becomes a candidate, or is hired as an employee, then the prohibition in division (A) above, shall apply to the renewal of the contract.

(2) The prohibition in division (A) of this section shall not apply if the contract is awarded after public notice and competitive bidding unless the officer or employee is authorized to participate in establishing the contract specifications, awarding the contract, or managing contract performance after the contract is awarded. If the officer or employee has any of the authorities set forth in the preceding sentence, then the officer or employee shall have no interest in the contract, unless requirements set forth in division (A)(3) below are satisfied.

(3) The prohibition in division (A) of this section shall not apply in any case where the following requirements are satisfied:

(a) The specific nature of the contract transaction and the nature of the officer's or employee's interest in the contract are publicly disclosed at a meeting of the City Council.

(b) The disclosure is made a part of the official record of the City Commission before the contract is executed.

(c) A finding is made by the City Council that the contract with the officer or employee is in the best interests of the public and the city because of price, limited supply, or other specific reasons.

(d) The finding is made a part of the official record of the City Council before the contract is executed.

(B) Any violation of this section shall constitute a Class A misdemeanor, and upon conviction, the court may void any contract entered into in violation of this section. Additionally, a violation of

this section shall be grounds for removal from office or employment with the city in accordance with any applicable provision of state law and ordinances, and/or rules or regulations of the city.

(Ord. passed 11-7-94) Penalty, see § 36.99

§ 36.18 RECEIPT OF GIFTS.

No elected or appointed city officer or employee shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him or her, directly or indirectly, in the discharge of his or her official duties.

(Ord. passed 11-7-94) Penalty, see § 36.99

§ 36.19 MISUSE OF CONFIDENTIAL INFORMATION.

No elected or appointed city officer or employee shall intentionally use or disclose information acquired in the course of his or her official duties, if the primary purpose of the use or disclosure is to further his or her personal financial interest or that of another person or business. Information shall be deemed confidential, if it is not subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.882 to 61.884, at the time of its use or disclosure.

(Ord. passed 11-7-94) Penalty, see § 36.99

§ 36.20 REPRESENTATION OF INTERESTS BEFORE CITY GOVERNMENT.

(A) No officer or employee of the city shall represent any person or business, other than the city, in connection with any cause, proceeding, application or other matter pending before the city.

(B) This prohibition does not apply to where the officer or employee specifically discloses his or her position with the city on the record at a public meeting of the agency, and that the agency makes a specific finding, on the record that despite the conflict, it is in the best interests of the agency and the public to allow the specific representation to occur.

(C) Nothing in this section shall prohibit an employee from representing another employee or employees where the representation is within the context of official labor union or similar representational responsibilities.

(D) Nothing in this section shall prohibit any officer or employee from representing himself or herself in matters concerning his or her own interests.

(E) No elected officer shall prohibit any officer or employee from representing himself or herself on behalf of a constituent, if no compensation, reward or other thing of value is promised to, given to, or accepted by the officer, whether directly or indirectly in return for inquiry.

(Ord. passed 11-7-94) Penalty, see § 36.99

FINANCIAL DISCLOSURE

§ 36.30 OFFICERS AND EMPLOYEES REQUIRED TO FILE.

The following individuals shall file an annual statement of financial interests with the Board of Ethics:

- (A) Elected city officers;
- (B) Candidates for elected city office;
- (C) City officers and employees with procurement authority exceeding \$500 per purchase;
- (D) Members of the Board of Adjustments;
- (E) Members of the Board of Ethics; and

(F) Appointees of the city to the Zoning Commission.

(Ord. passed 11-7-94) Penalty, see § 36.99

§ 36.31 CONTENTS OF FINANCIAL DISCLOSURE STATEMENT.

The financial disclosure statement shall include the following information:

- (A) The name and current home and business address of the filer.
- (B) The occupation of the filer and his or her spouse.
- (C) The title of the filer's public office, office sought or position of employment with the city.

(D) Information that identifies each source of income of the filer and the filer's spouse exceeding \$5,000 during the previous calendar year, and the nature of the income (for example, salary, commission, dividends, retirement fund distribution, and the like).

(E) The name, address and telephone number of any business located within the Commonwealth in which the filer or any member of his or her immediate family had at any time during the preceding calendar year an interest of \$10,000 or more at market value or 5% ownership interest or more.

(F) The location and designation of the type (commercial, residential or rural) of all real property within the county, other than the filer's primary residence, in which the filer or any member of his or her immediate family had an interest of \$10,000 or more during the preceding calendar year.

(G) Nothing in this subchapter shall be construed to require any officer or employee to disclose any specific dollar amount nor the names of individual clients, customers or businesses listed as sources of income.

(Ord. passed 11-7-94)

§ 36.32 FILING OF STATEMENT; DUE DATE; OFFICIAL CUSTODIAN.

(A) The financial disclosure statement shall be filed annually with the Board of Ethics on a form prescribed by the Board. City officers and employees shall file their statements no later than February 1 of each year. Candidates, nominees and/or appointees shall file their initial statement no later than 21 days after the date of filing, nomination or appointment.

(B) The Board of Ethics shall be the “official custodian” of the statements of financial interests and shall have control over the maintenance of the statements. The Board of Ethics shall ensure the statements are maintained as public documents, available for public inspection immediately upon filing.
(Ord. passed 11-7-94)

§ 36.33 DELINQUENCY; FAILURE TO FILE.

(A) Each city officer, city employee, or candidate for city office, is required to file a timely, complete and accurate financial disclosure statement. Any person who does not file a statement by the due date, or files an incomplete statement, or files a statement on a form other than the one prescribed by the Board, shall be notified by certified mail by the Board of Ethics. The notice shall specify the filer's failure or delinquency, shall establish a date by which the failure or delinquency shall be remedied, and shall advise the person of the penalties for violation of the financial disclosure requirements set forth in the code of ethics.

(B) Any person who fails or refuses to file the statement or who fails or refuses to remedy a deficiency in his or her filing identified in the notice prescribed in division (A) of this section, within the time period established in the notice, shall be subject to a civil penalty as provided in § 36.99.

(C) Any person who intentionally files a statement of financial interests which he or she knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor.

(Ord. passed 11-7-94) Penalty, see § 36.99

NEPOTISM

§ 36.45 NEPOTISM PROHIBITED.

(A) No city officer or employee shall advocate, recommend or cause the employment, appointment, promotion, transfer or advancement of a family member to a position of employment with the city.

(B) The provisions in division (A) of this section shall not apply to any person appointed to a city office or employed by the city prior to the effective date of this chapter.
(Ord. passed 11-7-94) Penalty, see § 36.99

ADMINISTRATION AND ENFORCEMENT

§ 36.55 APPEALS.

Any person who is found guilty of a violation of any provision of this chapter by the Board of Ethics may appeal the finding to the circuit court of the county within 30 days after the date of the final action by the Board of Ethics by filing a petition with the court against the Board.
(Ord. passed 11-7-94)

§ 36.56 FILING FALSE COMPLAINTS.

Any person who knowingly files with the Board a false complaint alleging a violation of any provision of this chapter by an officer or employee of the city or any city agency shall be guilty of a Class A misdemeanor.
(Ord. passed 11-7-94)

§ 36.99 PENALTY.

(A) Except when another penalty is specifically set forth in this chapter, any city officer or employee who is found by the Board of Ethics to have violated any provision of this chapter shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Board of Ethics not to exceed \$1,000, which may be recovered by the city in a civil action in the nature of debt, if the offender fails to pay the penalty within a prescribed period of time.

(B) In addition to all other penalties which may be imposed under this chapter, any city officer or employee who is found by the Board of Ethics to have violated any provision of this chapter shall forfeit to the city or the city agency an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the city in a civil action in the nature of debt, if the offender fails to pay the amount of the forfeiture within a prescribed period of time.

(C) In addition to all other penalties which may be imposed under this chapter, a finding by the Board of Ethics that a city officer or employee is guilty of a violation of this chapter shall be sufficient cause for removal, suspension, demotion, or other disciplinary action by the Mayor. Any action to remove or discipline any officer or employee for a violation of this chapter shall be taken in accordance with all applicable ordinances and regulations of the city and all applicable laws of the Commonwealth.

(D) Any person who violates any provision of § 36.33(B) of this chapter shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board in an amount not to exceed \$25 per day, up to a maximum total fine of \$500. Any civil fine imposed by the Board under this section may be recovered by the city in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.

(Ord. passed 11-7-94)

CHAPTER 37: POLICE DEPARTMENT

Section

- 37.01 Establishment
- 37.02 Police Chief
- 37.03 Police officers

§ 37.01 ESTABLISHMENT.

There is hereby created and established the Police Department for the city, confirming and ratifying the previous establishment of such Police Department by the City Council and Mayor. The Police Department may be composed of the Chief of Police and/or such other members as may be determined according to law.

(Ord. 99-11, passed 11-8-99)

§ 37.02 POLICE CHIEF.

(A) The office of Police Chief is hereby established, confirmed, and ratified.

(B) The Police Chief and all police officers shall be appointed by the Mayor at will, and shall be removed by the Mayor at will, in accordance with applicable law.

(C) No person shall be appointed or act as Police Chief unless such person has taken the oath required by the Constitution of the Commonwealth of Kentucky, and if required by the City Council, has provided a bond in such sum as may be established by the Mayor, with corporate surety authorized to transact business in the Commonwealth of Kentucky and conditioned upon the performance of the duties specified herein and otherwise by applicable law.

(D) The Chief of Police shall, subject to the executive authority of the city, under the direction, supervision and control of the Mayor, be responsible for the organization and operation of the Police Department of the city, and shall supervise, direct, and control the equipment and personnel thereof as peace officers of the city and Commonwealth in the enforcement of all statutes, laws, and ordinances thereof. The Chief of Police shall also perform any and all other functions and duties required by the Mayor.

(Ord. 99-11, passed 11-8-99)

§ 37.03 POLICE OFFICERS.

(A) The office of police officer is hereby established, confirmed and ratified.

(B) The powers and duties of the office of city police officer shall be to see that peace and good order are preserved at all times.

(C) No person shall be appointed or act as a city police officer unless such person has taken the oath required by the Constitution of the Commonwealth of Kentucky, and if required by the City Council, has provided a bond in such sum as may be established by the Mayor, with corporate surety authorized to transact business in the Commonwealth of Kentucky and conditioned upon the performance of the duties specified herein.

(Ord. 99-11, passed 11-8-99)

CHAPTER 38: PERSONNEL POLICIES

Section

- 38.01 County employees retirement system; participation
- 38.02 Adoption of final rules for controlled substances and alcohol testing
- 38.03 On-call and call-back policy

§ 38.01 COUNTY EMPLOYEE RETIREMENT SYSTEM; PARTICIPATION.

(A) This agency be and is hereby authorized to participate in the County Employees Retirement System effective June 1, 2001, and that all eligible regular full-time officers and employees of this agency are hereby authorized and directed to comply with the statutory requirements of this retirement system.

(B) All the employees of this agency whose duties require an average of 100 hours "of actual work," during each working month be considered as "regular full-time" employees for county retirement purposes, except those employees of agencies excluded as shown in KRS 78.530 which may participate in the system as a separate agency and those other persons who are employed as "temporary," "part-time," and "seasonal" workers, as defined in KRS 78.510 (21) of the County Employees Retirement Laws.

(C) The Mayor and the City Council are considered part-time employees for County Employees Retirement System purposes.
(Ord. 2001-12, passed 5-14-01)

§ 38.02 ADOPTION OF FINAL RULES FOR CONTROLLED SUBSTANCES AND ALCOHOL TESTING.

The federal Department of Transportation's 1994 Final Rules for Controlled Substances and Alcohol Testing, which update the Omnibus Transportation Employee Testing Act of 1991, is hereby adopted by reference as if fully set forth in this code of ordinances.
(Res. 1996-1, passed 1-22-96)

§ 38.03 ON-CALL AND CALL-BACK POLICY.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

AVAILABLE. The on-call employee can and will be able to reach the City Public Works Department Office within 30 minutes of receiving the call to do so.

CALL-BACK PERIOD. The time during which an employee is required to be at the Public Works Department Office and/or other job site while on call.

ON CALL. Whenever an employee is required by the Public Works Superintendent to be available on a stand-by basis, outside his or her regularly scheduled working hours, to respond within 30 minutes to a call back to work as required by operational necessity.

ON-CALL PERIOD. The time during which an employee is required to carry a cell phone, pager, or other immediate contact device to remain available to a call back to work or work demand.

The Public Works Superintendent shall be responsible for the day-to-day implementation and administration of this policy.

(B) *Policy, regulations and procedures.* The On-Call and Call-Back Policy shall be implemented by the Public Works Superintendent, subject to the following policy, regulations and procedures:

(1) *On-call obligations.* On-call employees must be available by pager, cell phone, or other immediate-contact device to return to the Public Works Department Office within 30 minutes of being contacted. The on-call employee must be in a physical and/or mental state in which he or she is capable of performing the duties, and as such, must not be under the influence of alcohol or illegal substances while on call. The Public Works Superintendent may, at his or her discretion, contact additional employees or contractors if needed.

(2) *On-call scheduling.* The Public Works Superintendent shall prepare the on-call schedule, and shall be responsible to prepare the roster of on-call employees. The weekday on-call hours shall be 4:00 p.m. to 8:00 a.m. Monday through Friday, and weekend on-call hours shall be 4:00 p.m. Friday to 8:00 a.m. Monday. Under normal circumstances, an employee will not be expected to be on-call one week without one week off-call.

(3) *Compensation for on-call employees.* Compensation for on-call employees shall be \$10 per on-call day for weekday on-call hours (Monday through Thursday), and \$1 per hour for each weekend on-call hour worked (Friday 4:00 p.m. to Monday 8:00 a.m.). On-call time shall not be used in computing overtime compensation.

(4) *Call-back compensation.* Employees who are called back and required to return to the Public Works Department Office and/or other job site shall be compensated at a rate equal to their regular hourly rate in the event that they have worked less than 40 hours (regularly scheduled or

call-back) during the work week. On-call employees who have been called back will be compensated at a rate equal to time and a half for each hour worked in excess of 40 hours per work week (including regularly scheduled and call-back periods). Call-back hours will be used in calculating overtime compensation.

(5) *Calculating compensable time.* Call-back employees shall be compensated for a minimum of two hours for each call-back period, whether or not two full hours are actually worked. In the event that the call-back period exceeds two hours, the employee will be paid on a per-hour basis at his or her regular hourly and/or overtime rate. The call-back period shall commence upon the on-call employee's arrival at the job site, and shall terminate upon his or her leaving the job site. Time spent traveling to and from the job site shall not be considered in determining the length of the call-back period.
(Ord. 2007-58, passed 6-11-07)

CHAPTER 39: BOARDS AND COMMISSIONS

Section

Joint City-County Park and Recreation Commission

- 39.01 Definitions
- 39.02 Composition
- 39.03 Power and duties

Board of Ethics

- 39.10 Created
- 39.11 Powers and duties

Historical Review Board

- 39.20 Composition
- 39.21 Powers and duties

Board of Adjustment

- 39.30 Board of Adjustment

Cross-reference:

Board of Adjustment, see Nelson County Zoning Regulations Art. 4

JOINT CITY-COUNTY PARK AND RECREATION COMMISSION

§ 39.01 DEFINITIONS.

As used in this subchapter, unless the context otherwise requires, the following definitions shall apply:

CITY. The City of Bloomfield.

COMMISSION. Nelson County-Bloomfield Metropolitan Recreation Commission.

COUNTY. The County of Nelson.
(Ord., passed 6-4-74)

§ 39.02 COMPOSITION.

(A) The Recreation Commission shall consist of seven members whose term shall be on a calendar year basis.

(B) The members shall be as follows:

(1) The Mayor of the city shall be an ex-officio member of the Commission.

(a) The Mayor shall, with the approval of the Board of Trustees, appoint three members. One member shall be appointed for a term of two years, one for a term of three years and one for a term of four years.

(b) After the first appointments, all subsequent appointments shall be for a term of four years.

(2) The Magistrate serving the magisterial district in which the city is situated shall be an ex-officio member.

(3) The County Judge, with the approval of the Fiscal Court, shall appoint two members. One such member shall be appointed the term of three years and one for a term of four years. After the first appointment, all subsequent appointments shall be for a term of four years.

(C) Any vacancies which occur shall be filled by the appointing authority of the vacating member.

(D) The Commission shall meet, organize and select one of their members a Chairperson and such other officers as the Commission shall deem necessary.
(Ord., passed 6-4-74)

§ 39.03 POWERS AND DUTIES.

(A) The Commission shall have the power to adopt rules and regulations for the proper conduct of a system of public recreation for the city and its environs of the county.

(B) The Commission shall take charge of, provide, conduct and supervise swimming pools, recreation centers, public playgrounds and other recreational activities that it deems advisable and on such properties and places as are set aside for these purposes. The Commission shall have the power to do all things necessary to carry out the purposes.

(C) The Commission may employ such personnel as is necessary to carry out the work of the Commission within the limits of the funds made available and may accept gifts or bequests or other payments, public or private, to help finance its activities.

(D) The Commission shall submit quarterly financial reports showing by itemized detail, all receipts and disbursements for the current period and in addition thereto shall on or before January 1 of each year submit an annual financial report in same detail as required for quarterly reports, together with a proposed budget for the succeeding year. All such reports shall be submitted to Board of Trustees for the city, Nelson Fiscal Court and to such other public bodies as may be required by law and/or that donate to its budget, and shall make such additional reports as may from time to time be requested by the Board of Trustees and/or the Fiscal Court.

(Ord., passed 6-4-74)

BOARD OF ETHICS

§ 39.10 CREATED.

(A) There is hereby created a Board of Ethics which shall have the authorities, duties and responsibilities as set forth in this subchapter to enforce Chapter 36.

(B) There shall be three members of the Board of Ethics who shall be appointed by the Mayor, subject to the approval of the City Council. The initial members of the Board shall be appointed within 60 days of the effective date of this subchapter. No member of the Board of Ethics shall hold any elected or appointed office, whether paid or unpaid, or any position of employment with the city. The members shall serve for a term of three years. Each member shall have been a resident of the city for at least one year and shall reside in the city throughout his or her term on the Board. The members may be re-appointed for any number of consecutive terms. The members of the Board of Ethics shall be chosen by virtue of their known and consistent reputation for integrity.

(C) A member of the Board of Ethics may be removed by the Mayor, subject to the approval of the City Council for misconduct, inability, or willful neglect of duties. Before any member of the Board of Ethics is removed from office under this section, the member shall be afforded the opportunity for a hearing before the Mayor and the City Council.

(D) The Board of Ethics shall, upon the initial appointment of its members, and annually thereafter, elect a Chairperson from among the membership. The Chairperson shall be the presiding officer and a full voting member of the Board. Meetings of the Board shall be held, as necessary, upon the call of the Chairperson or at the request of a majority of the Board members.

(Ord. passed 11-7-94)

§ 39.11 POWERS AND DUTIES.

The Board of Ethics shall have the following powers and duties:

(A) To receive and investigate complaints, hold hearings and make findings of fact and determinations with regard to alleged violations of the provisions of Chapter 36.

2001 S-2 Repl.

(B) To refer any information concerning violations of Chapter 36 to the Mayor, the City Council, County Attorney or any other appropriate person or body, as necessary.

(C) To render advisory opinions to city officers and employees regarding whether a given set of facts and circumstances would constitute a violation of any provision of Chapter 36.

(D) To enforce the provisions of Chapter 36 with regard to all officers and employees of the city who are subject to its terms by issuing appropriate orders and imposing penalties authorized by Chapter 36.

(E) To receive, control and maintain all statements of financial interests that are required to be filed by Chapter 36 and to insure that the statements are available for public inspection in accordance with the requirements of Chapter 36 and the Kentucky Open Records Act.

(F) To develop and submit any reports regarding the conduct of its business that may be required by the City Council.

(G) To adopt rules and regulations and to take other actions, as necessary, to implement the provisions of Chapter 36, provided that the rules, regulations and actions are not in conflict with the provisions of Chapter 36 or any state or federal law.

(Ord. passed 11-7-94)

HISTORICAL REVIEW BOARD

§ 39.20 COMPOSITION.

(A) *Terms.* The Historical Review Board shall consist of five members to be appointed by the respective legislative body. The term of two of the members of the original Board will expire within three years; two within two years; and one within in one year after the date of appointment. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term. Vacancies on the Board shall be filled within 60 days.

(B) *Qualifications.* All members shall have a demonstrated interest in historic preservation, and at least two members shall have training or experience in a preservation-related profession, architecture, history, archeology, architectural history, planning or related fields. When the Board reviews an issue that is normally evaluated by a professional member and that field is not represented on the Board, the Board shall seek expert advice before rendering its decision.

(Ord. passed 2-3-86)

§ 39.21 POWERS AND DUTIES.

The powers and duties of the Historical Review Board are as follows:

(A) The Board shall make recommendations to the Planning Commission on all matters relating to the preservation, conservation and enhancement of structures, premises and areas of substantial historic or architectural significance and matters relating to the establishment of historic districts and landmarks, and regulations to be enforced thereunder.

(B) Conduct a continuing survey of historical and cultural resources according to State Historic Preservation Office guidelines and shall maintain an inventory of these resources within its jurisdiction for use by public agencies and private owners.

(C) Adopt and make public written guidelines for use in making recommendations on requests to alter, demolish, relocate or add to a designated property or to build a new structure in a historic district.

(D) Advise and assist property owners and other persons and groups interested in historic preservation.

(E) Undertake educational programs that may include the preparation of publications, the holding of meetings on preservation issues and the placing of historical markers.
(Ord. passed 2-3-86)

BOARD OF ADJUSTMENT

§ 39.30 BOARD OF ADJUSTMENT.

All regulations, powers and duties for the Board of Adjustment as described in the Nelson County Zoning Regulations, Article 4, sections 4.1- 4.6, are hereby adopted by reference as if fully set out in this code of ordinances.

Statutory reference:

Board of Adjustment, see KRS 100.217

