

TITLE III: ADMINISTRATION

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CHAPTER 30: MAYOR-COUNCIL PLAN

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§ 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 is called Mayor and by an elected legislative body which is 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

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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) Certification of the person administering the oath of office to an elected official shall certify in writing that the oath was administered and the date of its administration. Said certification shall be filed in accordance with KRS 62.020.

(C) Bond.

(1) All officers, officials, and employees of cities, counties, urban-county governments, charter county governments, a

regional wastewater commission, and special districts who handle public funds in the execution of their duties shall give a good and sufficient bond to the local governing body for the faithful and honest performance of his or her duties and as security for all money coming into that person's hands or under that person's control. The bond amount shall be based upon the maximum

amount of public funds the officer, official, or employee handles at any given time during a fiscal year cycle. The local governing body shall pay the cost of the bond.

(2) Elected officials who post bond as required by statute, and employees of their offices covered by a blanket or umbrella bond, shall be deemed to have complied with subsection (1) of this section. (KRS 65.067)

§ 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 Department for Local Government computes 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 Department for Local Government.

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

(C) (1) City Council to provide pay ranges. It shall be the sole responsibility of the City Council to provide pay ranges sufficient to provide for continued recruitment and retention of qualified personnel to carry out the goals and objectives established by the Mayor, City Council, and local, state and federal laws.

(2) Salary schedule.

(a) The pay ranges of the city shall be as set forth in the pay schedules.

(b) The classification and compensation plan may be waived, altered or suspended only by a change of ordinance.

(3) Establishment and amendment of pay grade. The pay grade of each job position shall be set by the City Council in the job description manual, which is incorporated herein by reference. When the duties of a position are changed, it may be necessary to be assigned a different pay grade. Upon recommendation by the Mayor or her or her designee, the City Council shall determine a new pay grade.

(4) Establishment of a pay level within a pay grade. Within the pay grades set by the City Council and within the city's annual budget for salaries, it shall be the sole responsibility of the Mayor, based on the recommendation of appropriate department heads, to establish the pay level of all city employees.

(5) Establishment of manpower level. Manpower levels for each department shall be determined through the annual budget ordinance.

(6) Administration of compensation plan. Regulations for administering the city's compensation plan will be contained in the city's personnel policies, which are adopted by municipal order by City Council.

(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.

(Am. Ord. 2001-01, passed 2-20-01; Am. Ord. 2007-24, passed 12-21-07; Am. Ord. 2015-04, passed 2-17-15)

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) (1) All city officers shall be under nonpartisan city election laws as provided in KRS 83A.045, 83A.170, 83A.175 and 83A.047. (Ord. 1998-11, passed 10-2-98)

(2) All candidates shall file their nomination papers with the County Clerk no 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 no later than the second Tuesday in August before the day fixed by KRS Chapter 118 for holding a regular election for the office. (KRS 83A.045(2)(b)(1))

(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.

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 (1) year prior to his election. His term of office begins on the first day of January following his election and shall be for four years and until

his 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 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.

(1) When voting to fill a vacancy in the office of Mayor, a member of the City Council shall not vote for himself. (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 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 Council 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(1), (2), (6))

(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 shall supervise all departments of city government and the conduct of all city officers and employees under his jurisdiction and require each department to make reports to him as required by ordinance or as he 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 finds appropriate or as required by ordinance, but not less than annually. He shall make any recommendations for actions by the Council he finds in the public interest.

(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.

(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.

(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.

(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.

(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.

Statutory reference:

Powers and duties of Mayor, see KRS 83A.130

§ 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 Administrative Officer/City Clerk
- (2) City Treasurer

Statutory reference:

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

§ 31.36 CITY ADMINISTRATIVE OFFICER/CITY CLERK.

(A) The city hereby establishes the office of the City Administrative Officer/City Clerk. The City Administrative Officer shall be directly responsible to the executive authority of the city, pursuant to KRS 83A.090(1).

(B) In accordance with KRS 83A.080, the following qualifications shall be necessary for an individual to hold the office of City Administrative Officer:

- (1) Professional training in the area of municipal administration;
- (2) Experience in municipal administration sufficient to insure competence.

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

(1) Advising the executive authority of the city in policy formulation on overall problems of the city;

(2) Having major responsibility for preparation and administration of operating a capital improvement budget under direction of the executive authority;

(3) Advising the executive authority of the city in the appointment of subordinate administrative personnel if not delegated appointment authority by the appropriate order; and

(4) Having continued direct relationships with operating department heads on implementation and administration of programs.

(5) Performance of any other duties and responsibilities required by statute or ordinance.  
(KRS 83A.090)

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

(D) No person shall be appointed or act as the City Administrative Officer/City Clerk unless such person has taken the oath required by section 228 of the Constitution of the Commonwealth of Kentucky.

(Ord. 1999-07, passed 6-4-99)

§ 31.37 CITY TREASURER.

(A) The city hereby establishes the office of City Treasurer. This office shall be directly responsible to the executive authority of the city.

(B) The duties and responsibilities of the office of City Treasurer shall include, but not be limited to, the receipt, custody, investment, and disbursement of any funds or moneys on behalf of the city. Additionally, the Treasurer shall carry out all additional duties lawfully delegated by appropriate order of the executive authority and shall have the same powers as the executive authority in carrying out such duties.

(C) No person shall be appointed to, or act as, the Treasurer for the city unless such person has taken the oath required by § 228 of the Constitution of the Commonwealth of Kentucky.

(D) Compensation shall be in the amount as established by the City Council from time to time as set forth in § 31.02.  
(Ord. 2000-05, passed 4-18-00)



## CHAPTER 32: CITY COUNCIL

### Section

#### General Provisions

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

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- 32.21 Meetings
- 32.22 Quorum

#### Ordinances

- 32.35 One subject; title
- 32.36 Introduction; enacting clause
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- 32.42 Indexing and maintenance requirements
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- 32.44 Additional requirements for adoption may be established by city
- 32.45 Periodic review required
- 32.46 Municipal orders
- 32.47 Proved by City Administrative Officer/City 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 a legislative body shall be a resident of the city for not less than one (1) year prior to his election. Terms of office shall 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), (5))

(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 Council 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))

##### § 32.21 MEETINGS.

(A) The City Council will conduct regular meetings on the first Tuesday of each month at the hour of 6:30 p.m. Council meetings will be held in the Council chambers: 8505 Pembroke Oak Grove Road, Oak Grove Kentucky.

(Ord. 1984-7, passed 6-11-84; Am. Ord. 2002-08, passed 4-16-02; Am. Ord. 2013-01, passed 4-16-13; Am. Ord. 2016-04, passed 7-19-16)

(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))

(Am. Ord. 2013-11, passed 1-21-14; Am. Ord. 2015-03, passed 2-10-15)

##### § 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 but one subject and shall have a title which 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 Oak Grove."  
(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 words being added by a single solid line drawn underneath them, and any words being deleted by a single broken line drawn through them.  
(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 which identifies the subject matter by title, source, and date and incorporates the adopted provisions by reference without setting them out in full, provided 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/Treasurer/Tax Collector 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/Treasurer/Tax Collector 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) Ordinance the 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 CITY ADMINISTRATIVE OFFICER/CITY CLERK; RECEIVED IN EVIDENCE.

All ordinances and orders of the city may be proved by the signature of the City Administrative Officer/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

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### 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. (KRS 91A.010(6))

"GENERALLY ACCEPTED PRINCIPLES OF GOVERNMENTAL ACCOUNTING." Those standards and procedures promulgated and recognized by the Governmental Accounting Standards Board. (KRS 91A.010(7))

§ 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;
- (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; and

(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 Council, in accordance with division (B)(5) of this section, the city shall forward three copies of the audit report to the Department for Local Government for information purposes. Department for Local Government shall forward one 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 include tests of the accounting records and auditing procedures considered necessary in 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 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 the City Council at a regular or special meeting; and

(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 work papers 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 a 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) Each city shall, within 30 days after the presentation of an audit to the 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 is 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 \$.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) 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)

(F) If the city determines that the cost of newspaper publication exceeds the cost of postage, supplies, and reproduction, the city may substitute delivery of a copy of the advertisement by first class mail to each residence within the publication area, in lieu of the newspaper publication required by this section. (KRS 424.190(2))

(G) In lieu of the auditing requirements set forth in KRS 91A.040, if the city for the fiscal year in question receives and expends, from all sources, and for all purposes, less than \$25,000, and has no long-term debt, whether general obligation or revenue debt, the city may comply fully with the provisions of KRS 424.220 in lieu of the requirements listed in divisions (A) through (I) above. (KRS 91A.041)

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 U.S.C. sec. 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)

§ 33.06 USERS FEES FOR BAD CHECKS.(A) Definitions.

"BAD CHECK." A check or draft payable to the city which is dishonored for any reason.

(B) Pursuant to KRS 91A.520, the City Council finds that the reasonable costs associated with a check returned for insufficient funds are:

(1) The costs of a city employee handling the bad check and communicating with the bank and bookkeeping personnel about the check are \$60.00.

(2) The costs of a city employee writing or calling the person who presented or wrote the check and following up to make sure payment is made are \$40.00.

(C) Any person who presents or writes a bad check to the city shall pay a user fee to the city of \$25.00. Should it be necessary for collection, the City Attorney may initiate collection efforts, including litigation, and for such collection efforts by the City Attorney any person who presents or writes a bad check shall be responsible for all expenses of collection, including reasonable attorney fees and costs.  
(Ord. 1997-5, passed 8-19-97)

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 benefited 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 benefited 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)

### PROCUREMENT STANDARDS

#### § 33.30 METHODS FOR PROCUREMENT.

Procurements shall be made by one of the following methods:

- (A) Small purchase procedures;
- (B) Competitive sealed bids;
- (C) Competitive negotiation; and
- (D) Noncompetitive negotiation.

(Ord. 1989-9, passed 9-12-89)

#### § 33.31 SMALL PURCHASES.

(A) Purchases of supplies, equipment, and services which cost between \$200 and \$7,500 will require documented estimates but no legal advertisement is required. The city will solicit responses from at least three vendors, and if no such responses are available, a statement explaining the procurement will be prepared and filed.

(B) Purchases which cost between \$50 and \$200 require three over-the-telephone quotations of rate, price, and the like. A memorandum will be prepared setting forth the date the calls were made, parties contacted and prices obtained. For purchases of less than \$50, efforts

will be made to get the lowest and best price, but written records of such efforts are not necessary.

(Ord. 1989-9, passed 9-12-89)

#### § 33.32 COMPETITIVE SEALED BIDS.

(A) Bidding will be employed when detailed specifications for the goods or services to be procured can be prepared and the primary basis for award is cost. When the cost of a contract, lease, or other agreement for materials, supplies, equipment, or contractual services other than those personal or professional exceeds \$7,500, an invitation for bids (IFB) notice will generally be prepared. This notice will be published at least once in at least one official newspaper of general circulation within the community. This newspaper notice will appear not less than seven days and not more than 21 days before the due date for bid proposals. The Mayor may also solicit sealed bids from responsible prospective suppliers by sending them a copy of such notice.

(B) The IFB will include a general description of the goods or services to be procured, the bid deposit and performance bond required (if applicable), the location where bid forms and specifications may be secured, and time and place for opening bids, and whether the bid award will be made on the basis of the lowest bid price or the lowest evaluated price. If the lowest evaluated price is used, the measurable criteria to be utilized must be stated in the IFB. The newspaper notice must also contain language which calls to the attention of bidders all applicable requirements which must be complied with such as Section 3 of the 1968 Housing Act, Section 109 of the 1974 Housing and Community Development Act, the Civil Rights Act of 1964, Executive Order 11246 and the Davis-Bacon Act.

(C) Sealed bids will be opened in public at the time and place stated in the IFB's. The bids will be tabulated by the City Clerk at the time of bid opening. The results of the tabulation and the bid documents will be examined for accuracy and completeness by the review committee which will make recommendations to the City Council. In addition, the committee determines that all firms are responsive and responsible. The City Council will make the decision as to whom the contract shall be awarded. After the bid award is made by the City Council, a contract will be prepared for execution by the successful bidder. After the contract is signed, all bid deposits will be returned to all unsuccessful bidders.

(D) The city may cancel an invitation for bid or reject all bids if it is determined in writing that such is in the best interests of the city. The city may allow a vendor to withdraw a bid if requested at any time prior to the bid opening. Bids received after the time set for bid opening shall be returned to the vendor unopened.  
(Ord. 1989-9, passed 9-12-89)

#### § 33.33 COMPETITIVE NEGOTIATION.

(A) The city will utilize competitive negotiations, regardless of contract amount, upon a written determination that:

(1) Specifications cannot be made specific enough to permit the award of a bid on the basis of either the lowest bid price or the lowest evaluated bid price (in other words, bidding is not feasible).

(2) The services to be procured are professional or personal in nature.

(B) With the exception of procurement of certain professional services (principally engineering services), competitive negotiations will proceed as follows:

(1) Proposals will be solicited through newspaper advertisement or a request for proposal (RFP) may be prepared and mailed to qualified vendors. The newspaper advertisement must be published at least seven days and not more than 21 days before the date for receipt of the proposals. The RFP will describe services needed and identify the factors to be considered in the evaluation of proposals and the relative weights assigned to each selection factor. The RFP will also state where further details may be obtained. The RFP will call attention to the same regulations discussed in the bidding process. Requests for proposals will always include cost as a selection factor.

(2) Award must be made to the offerer whose proposal is determined in writing by a review committee to be the most advantageous to the city. Evaluations must be based on the factors set forth in the city. Evaluations must be based on the factors set forth in the request for proposal and a written evaluation of each response prepared. The review committee may contact the firms regarding their proposals for the purpose of clarification and record in writing the nature of the clarification. If it is determined that no acceptable proposal has been submitted, all proposals may be rejected. New proposals may be solicited on the same or revised terms or the procurement may be abandoned.

(C) For the procurement of certain professional services, an alternative to RFP's may be used. The city will publish a request for qualifications (RFQ). RFQ's are handled in a similar method to RFP's with the exception that cost is not a factor in the initial evaluation. A review committee will evaluate the responses and rank them by comparative qualifications. The highest scoring person or firm will be contacted and the selection committee will negotiate costs. If the committee is unable to negotiate a satisfactory cost arrangement, the second highest scoring person or firm will be invited to negotiate. A record of all negotiations will be maintained.  
(Ord. 1989-9, passed 9-12-89)

#### § 33.34 NONCOMPETITIVE NEGOTIATIONS.

(A) Noncompetitive negotiations may be used for procurements in excess of \$7,500 when bidding or competitive negotiations are not feasible. The city may purchase goods and services through noncompetitive negotiations when it is determined in writing by the Mayor that competitive negotiation or bidding is not feasible and that:

(1) An emergency exists which will cause the public harm as a result of the delay caused following competitive purchasing procedures;

(2) The product or service can be obtained only from one source;

(3) The contract is for the purchase of perishable items purchased on a weekly or more frequent basis;

(4) Only one satisfactory proposal is received through RFP or RFQ; or

(5) The state has authorized the particular type of noncompetitive negotiation (example, the procurement of services by an area development district).

(B) Procurement by noncompetitive negotiation requires the strictest attention to the observation of impartiality toward all suppliers. The Department of Local Government must approve all procurements by noncompetitive negotiation when only one supplier is involved or only one bid or response to an RFP/RFQ is received.  
(Ord. 1989-9, passed 9-12-89)

#### § 33.35 CONTRACTS.

Generally, all procurement in excess of \$200 will be memorialized and supported by a written contract. Where it is infeasible or impractical to prepare a contract, a written finding to this effect will be prepared and some form of documentation regarding the transaction will also be prepared. The Contractual provision required by OMB Circular A-102, Attachment "O" will be included in all contracts.

(Ord. 1989-9, passed 9-12-89)

#### § 33.36 DOCUMENTATION.

All source documents supporting any given transaction (receipts, purchase orders, invoices, RFP/RFQ date, and bid materials) will be retained and filed in an appropriate manner. Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is infeasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, and the like). Whatever form of documentation and filing is employed, the purpose of this section is to insure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost (including the issue of reasonableness of cost) and basis for payment.

(Ord. 1989-9, passed 9-12-89)

§ 33.37 LOCALLY OWNED AND MINORITY OWNED BUSINESSES.

Efforts will be made and documented to solicit participation of locally owned and minority owned businesses. Where feasible, evaluation criteria will include a minority business factor with an appropriate weight for these firms. A list of locally owned, minority owned, female owned, and small businesses and also minority businesses located within the trade region shall be maintained and utilized when issuing IFB's, RFP's and RFQ's. This list shall also be consulted when making small purchases.

(Ord. 1989-9, passed 9-12-89)

§ 33.38 CONFLICT OF INTEREST.

(A) No elected official, employee or designated agent of the city will take part or have an interest in the award of any procurement transaction if a conflict of interest, real or apparent, exists.

(B) A conflict of interest occurs when the official, employee or designated agent of the city, partners of such individuals, immediate family member, or an organization which employs or intends to employ any of the above has a financial or other interest in any of the competing firms.

(Ord. 1989-9, passed 9-12-89)

§ 33.39 ACCEPTANCE OF GRATUITIES.

No elected official, employee, or designated agent of the city shall solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, subcontractors or potential subcontractors.

(Ord. 1989-9, passed 9-12-89)

§ 33.40 VIOLATION; REMEDIES.

(A) Any elected official, employee or designated agent of the city who knowingly and deliberately violates the provisions of this subchapter will be open to civil suit by the citizens of the city without the legal protection of the city. Furthermore, such a violation of these procurement standards is grounds for dismissal by the city.

(B) Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with the city.

(Ord. 1989-9, passed 9-12-89)

§ 33.41 STANDARDS TO BE FILED WITH CITY CLERK.

The city procurement standards, a copy of which is on file in the office of the City Clerk, may be reviewed at any time during normal business hours, 9:00 a.m. to 4:00 p.m., Monday through Friday of each week, holidays excluded. The procurement standards may be waived, altered, or suspended only by change of ordinance.

(Ord. 1989-9, passed 9-12-89)

## CHAPTER 34: PUBLIC RECORDS

### Section

#### General

##### 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
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- 34.15 Online access to public records
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- 34.17 Notification of the Attorney General

#### GENERAL

#### § 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/Treasurer/Tax Collector.

"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 materials regardless of physical form or characteristics, which are prepared, owned, used, in the possession of, or retained by a 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 have been excluded by § 34.12.

"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/Treasurer/Tax Collector does not have custody or control of the public record or records requested, the City Clerk/Treasurer/Tax Collector shall so notify the applicant and shall furnish the name and location of the official custodian of the public record, if such facts are known to him.

(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 so 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, 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 division (A) (3) (a) and (b) above, shall not apply to records the disclosure or publication of which is directed by statute.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

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

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

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

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

(12) Public or private records, including books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings,

software, or other documentation regardless of physical form or characteristics, having historic, literary, artistic, or commemorative value accepted by the archivist of a public university, museum, or government depository from a donor or depositor other than a public agency. This exemption shall apply to the extent that nondisclosure is requested in writing by the donor or depositor of such records, but shall not apply to records the disclosure or publication of which is mandated by another statute or by federal law.

(13) (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. Security and response needs assessments;

5. 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.

6. 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

7. 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)5.;  
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 office for Security Coordination 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.

(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: CITY SEAL

Section

35.01 Description of official seal; adoption

§ 35.01 DESCRIPTION OF OFFICIAL SEAL; ADOPTION.

(A) The official seal of the city shall have upon it the device of a spreading oak tree with the words "FROM THE PAST-STRENGTH" above the tree and around it the words "CITY OF OAK GROVE, KENTUCKY, Founded 1828, Incorporated 1974" with oak leaves separating the inscriptions.

(B) The following seal is adopted as the official seal of the city and shall be affixed by the City Clerk/Treasurer/Tax Collector to all documents as required by law or otherwise.



(Ord. 1985-10, passed 8-27-85)



## CHAPTER 36: TAXATION

### Section

- 36.01 County assessment adopted
- 36.02 Payment of taxes
- 36.03 Delinquency
- 36.04 Property tax exemption to senior citizens

#### § 36.01 COUNTY ASSESSMENT ADOPTED.

(A) Pursuant to the authority granted in KRS 132.285, the city hereby adopts the annual Christian 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 of all city levies for the fiscal year commencing after the assessment date.

(Ord. 6-75, passed 2-25-75)

#### § 36.02 PAYMENT OF TAXES.

A discount of 1% shall be allowed on all taxes in the amount of \$1 or more paid by November 30 of each year.

(Ord. 1985-12, passed 9-12-85; Am. Ord. 1997-10, passed 9-16-97)

#### § 36.03 DELINQUENCY.

Upon all taxes levied which are unpaid on the first day of January after they become due, there shall begin to accrue, attach, and be added on that date, interest at the rate of 12% per annum from January 1 computed at the rate of 2% per month with a maximum of 12% until the taxes are paid. Likewise and in addition thereto, upon all taxes levied which are unpaid on the first day of February following their due dates there shall be attached and added a penalty of 10% flat onto the total amount of the taxes then due and payable, which penalty and interest as provided herein shall be added to the unpaid taxes and collected by the City Treasurer together with the due and unpaid taxes. (Ord. 1985-12, passed 9-12-85; Am. Ord. 1997-10, passed 9-16-97; Am. Ord. 1998-10, passed 10-6-98; Am. Ord. 1999-13, passed 9-21-99; Am. Ord. 2000-21, passed 10-10-00)

#### § 36.04 PROPERTY TAX EXEMPTION TO SENIOR CITIZENS.

(A) A discount of 50% of the first \$50,000.00 of assessed value of real property will be granted to those individuals who are 65 years and older. In order to qualify for this exemption, each person over the age of 65 must submit an application for exemption to the City Treasurer which shall be approved or disapproved by the Mayor.

(B) Every person filing an application for exemption pursuant to this chapter must own and maintain the property for which the exemption is sought as his/her personal residence.

(C) Only one exemption per residential unit shall be allowed regardless of the number of residents 65 years of age or older occupying the unit.

(D) The real property may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by the stock ownership or membership representing the owner's or member's proprietary interests, in a corporation owning a fee or a lease hold initially in excess of 98 years. The exemption shall apply only to the value of the real property assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interests in the corporation bears to the assessed value of the property.

(E) A mobile home, recreational vehicle, when classified as real property as provided for in KRS 132.751, or a manufactured house shall qualify as a residential unit for purposes of the exemption stated herein.

(F) When title to property which is exempted, either in whole or in part, under this exemption, is transferred, the owner, administrator, executor, trustee, guardian, conservator, curator, or agent shall report such transfer to the City Treasurer of Oak Grove, Kentucky.

(G) The exemption described herein must be applied for each and every year with the person applying for said exemption to show adequate proof of ownership at the time of application. Said application is to be filed before or on May 30 in the year for which the exemption is sought.

(Ord. 1996-3, passed - -96)

CHAPTER 37: DEPARTMENTS, BOARDS, AND COMMISSIONS

Section

Hopkinsville-Christian County Ambulance Service Board

- 37.01 Ambulance service district
- 37.02 Board of Directors; membership
- 37.03 Compensation and expenses
- 37.04 Powers and duties
- 37.05 Officers
- 37.06 Director
- 37.07 By-laws
- 37.08 Records
- 37.09 Dissolution

Recreational, Tourist, and Convention Commission

- 37.20 Determinations; creation of Commission
- 37.21 Powers and duties
- 37.22 Membership
- 37.23 Oath and bond
- 37.24 Compensation

Code Enforcement Board

- 37.30 Definitions
- 37.31 Creation and membership
- 37.32 Powers
- 37.33 Appointment of members; term of office; removal from office; oath; compensation
- 37.34 Organization of Board; meetings; quorum; alternate Board members
- 37.35 Conflict of interest
- 37.36 Jurisdiction
- 37.37 Powers
- 37.38 Enforcement proceedings
- 37.39 Hearing; notice; final order
- 37.40 Presentation of cases
- 37.41 Appeals; final judgment
- 37.42 Ordinance fine schedule
- 37.43 Lien; fines, charges and fees

Land Acquisition and Development Committee

- 37.50 Creation
- 37.51 Duties and responsibilities

Cross-reference:

City Ethics Commission, see § 40.05

## HOPKINSVILLE-CHRISTIAN COUNTY AMBULANCE SERVICE BOARD

§ 37.01 AMBULANCE SERVICE DISTRICT.

Ambulance services shall be provided to the citizens of Christian County and the incorporated areas therein (including this city) by the Hopkinsville-Christian County Ambulance Service. This agency shall be a body corporate with all the powers possessed by such organizations not inconsistent with this subchapter.  
(Ord. 1984-5, passed 3-12-84)

Statutory reference:

Ambulance service districts, see KRS 108.080 et seq.

§ 37.02 BOARD OF DIRECTORS; MEMBERSHIP.

(A) The affairs of the Hopkinsville-Christian County Ambulance Service District shall be controlled and managed by a Board of Directors known as the Hopkinsville-Christian County Ambulance Service Board.

(B) The Board shall consist of six members, as follows:

(1) The County Judge Executive of Christian County or his official designee;

(2) The Mayor of the City of Hopkinsville or his official designee;

(3) The Mayor of the City of Crofton or his official designee;

(4) The Mayor of the City of Oak Grove or his official designee;

(5) A member of the fiscal court of Christian County, to be appointed and designated by the County Judge Executive;

(6) A member of the City Council of Hopkinsville to be appointed and designated by the Mayor of Hopkinsville.

(C) Each Board member shall reside within the District and within the county or city which he was appointed to represent.

(D) Directors shall be appointed for terms of one year except in a case where a member is serving by virtue of his office, that is, Mayor and Judge Executive.

(E) A majority of the membership of the Board shall constitute a quorum. The Board shall meet at least quarterly and special meetings of the Board may be called by the Director or by a majority of the membership of the Board.

(Ord. 1984-5, passed 3-12-84)

Statutory reference:

Board of Directors; members, terms, see KRS 108.110

§ 37.03 COMPENSATION AND EXPENSES.

The members of the Ambulance Service Board of Directors shall not receive compensation for their services. Members shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties, upon sworn written statements accompanied by receipts for any expense in excess of \$4 submitted to and approved by the Board.

(KRS 108.120(2)) (Ord. 1984-5, passed 3-12-84)

§ 37.04 POWERS AND DUTIES.

The Ambulance Service Board of Directors shall provide ambulance service to inhabitants of the Ambulance Service District and shall have the authority to:

(A) Purchase ambulance vehicles and all other necessary equipment, and employ trained personnel which meet all federal and state requirements;

(B) Adopt rules and regulations necessary to effectively and efficiently provide emergency ambulance services for the District;

(C) Employ a person or persons to administer the daily operations of the emergency ambulance service;

(D) Compensate employees of the District at a rate determined by the Board;

(E) Apply for and receive available funds from the state and federal government for the purpose of maintaining or improving emergency ambulance services for the District;

(F) Acquire by bequest, gift, grant, or purchase such real or personal property as is necessary to provide emergency ambulance services;

(G) Establish an equitable system of service charges to be collected from the persons receiving emergency ambulance service from the District. Service charge rates shall be fixed in such amounts as can be reasonably expected to yield revenues not in excess of the costs of operation and maintenance of the system and for an adequate depreciation fund; and

(H) Contract (in accordance with KRS 65.710) with private persons, partnerships, or corporations for providing ambulance services to residents of the District as long as these services utilize vehicles, equipment, and personnel which conform to all requirements of KRS 108.080 through 108.180.

(KRS 108.140) (Ord. 1984-5, passed 3-12-84)

#### § 37.05 OFFICERS.

The officers of the Ambulance Service Board of Directors shall consist of a Chairman, Vice Chairman, and Secretary/Treasurer. The officers shall be chosen from the Board of Directors. The Director employed as provided in § 37.06 shall not serve as an officer of the Board, or be considered as a Board member.  
(Ord. 1984-5, passed 3-12-84)

#### § 37.06 DIRECTOR.

The Ambulance Service Board of Directors shall employ or designate a Director to handle day to day operations and maintenance of the ambulance service. The Director shall be appointed by the Board and shall serve at their pleasure; but the Director shall not be removed unless he has received from the Board a notice of intention to remove him and reasons therefor.  
(Ord. 1984-5, passed 3-12-84)

#### § 37.07 BY-LAWS.

The Ambulance Service Board of Directors shall have the authority to adopt additional by-laws to govern the operation of the service not inconsistent with state law and this subchapter. These by-laws may be amended by the Board of Directors by majority vote following the meeting at which the motion to amend the by-laws is made.  
(Ord. 1984-5, passed 3-12-84)

#### § 37.08 RECORDS.

The Ambulance Service Board of Directors shall keep a minutes book appropriately bound and marked, in which the minutes of each meeting of the Board shall be kept together with all resolutions, regulations, and pertinent material.  
(Ord. 1984-5, passed 3-12-84)

#### § 37.09 DISSOLUTION.

The organization described in this subchapter shall continue in perpetuity, and may be dissolved only by ordinance or resolution adopted by either the City Councils of Hopkinsville, Oak Grove, Crofton, or the fiscal court of Christian County. In the event the organization dissolves, all property jointly purchased with local funds



shall be divided proportionally to the investment. Any property of each government acquired by federal or state funds shall be disposed of in accordance with applicable guidelines. Where no guidelines exist, the property will be disposed of in a manner agreed upon by the Board of Directors.

(Ord. 1984-5, passed 3-12-84)

Statutory reference:

Dissolution, see KRS 108.160 and 108.170

#### RECREATIONAL, TOURIST, AND CONVENTION COMMISSION

#### § 37.20 DETERMINATIONS; CREATION OF COMMISSION.

(A) The City Council finds and determines that the creation of a recreation, tourist, and convention commission will promote recreational, tourist, and convention activities within the boundaries of the city, all to the benefit of the inhabitants of the city.

(B) The city agrees to and by this subchapter has taken all action necessary for the creation of a recreational, tourist, and convention commission, to be known as the City of Oak Grove Recreational, Tourist, and Convention Commission.

(Ord. 1986-3, passed 6-10-86)

Statutory reference:

Authority to establish Commission, see KRS 91A.350(2)

#### § 37.21 POWERS AND DUTIES.

The Recreational, Tourist, and Convention Commission shall be vested with all the powers and duties provided by KRS 91A.350 through 91A.390, as amended from time to time, for recreational, tourist, and convention commissions created by cities other than cities of the first class.

(Ord. 1986-3, passed 6-10-86)

#### § 37.22 MEMBERSHIP.

(A) The Recreational, Tourist, and Convention Commission shall be composed of seven members to be appointed by the Mayor and the County Judge/Executive in the following manner:

(1) Two Commissioners from a list submitted by the local city hotel and motel association.

(2) One Commissioner from a list submitted by the local county hotel and motel association.

(3) One Commissioner from a list submitted by the local restaurant association.

(4) One Commissioner from a list submitted by the Chamber of Commerce in the city.

(5) One Commissioner by the Mayor.

(6) One Commissioner by the County Judge/Executive.

(B) Vacancies shall be filled in the same manner that original appointments are made.

(C) The Commissioners shall be appointed for terms of three years, provided that in making the initial appointments, the Mayor and County Judge/Executive shall appoint two Commissioners for a term of three years, two Commissioners for a term of two years, and three Commissioners for a term of one year.

(D) As provided by KRS 91A.360(6), a Commissioner may be removed from office, jointly or by separate action, of the Mayor and the County Judge/Executive as provided by KRS 65.007.  
(KRS 91A.360) (Ord. 1986-3, passed 6-10-86)

§ 37.23 OATH AND BOND.

(A) Before entering upon their duties as members of the Recreational, Tourist, and Convention Commission, each person appointed to the Commission shall take the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky.

(B) Commission members shall not be required to execute a bond, except that the Commission may require a bond providing adequate surety, as deemed necessary by the Commission, for any member serving as Treasurer.  
(Ord. 1986-3, passed 6-10-86)

§ 37.24 COMPENSATION.

Recreational, Tourist, and Convention Commission members shall serve without compensation except that members may be reimbursed in the same manner as other officials and employees of the city for all necessary expenses incurred in connection with the performance of their duties as members of the Commission.  
(Ord. 1986-3, passed 6-10-86)

CODE ENFORCEMENT BOARD

§ 37.30 DEFINITIONS.

The following words, terms and phrases, when used in this subchapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"CODE ENFORCEMENT AND NUISANCE BOARD." An administrative body created and acting under the authority of the Local Government Code Enforcement Board Act, KRS 65.8801 to KRS 65.8839 and the Local Government Nuisance Code Enforcement Act, KRS 82.700 to 82.725.

"CODE ENFORCEMENT OFFICER." shall mean a city police officer, safety officer, citation officer, or other public law enforcement office with the authority to issue a citation.

"ORDINANCE." An official action of a local government body, which is a regulation of a general and permanent nature and enforceable as a local law and shall include any provision of a code of ordinances adopted by the city legislative body which embodies all or part of a subchapter.

(Ord. 2001-13, passed 7-10-01; Am. Ord. 2008-13, passed 7-8-08; Am. Ord. 2017-01, passed 8-1-17)

#### § 37.31 CREATION AND MEMBERSHIP.

There is hereby created pursuant to KRS 65.8801 to KRS 65.8839 within the city, a code enforcement board which shall be composed of three members and one alternate, all of whom shall be residents of the city for a period of at least one year prior to the term of office and shall reside there throughout the term in office.

(Ord. 2001-13, passed 7-10-01; Am. Ord. 2008-13, passed 7-8-08; Am. Ord. 2017-01, passed 8-1-17; Am. Ord. 2017-08, passed 11-21-17)

#### § 37.32 POWERS.

(A) The Code Enforcement and Nuisance Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing city ordinances when a violation of the ordinance has been classified as a civil defense.

(B) The Code Enforcement and Nuisance Board shall not have the authority to enforce any ordinance of which the violation constitutes a criminal offense under any provision of the Kentucky Revised Statutes, including specifically, and provision of the Kentucky Penal Code and any moving motor vehicle offense.

(Ord. 2001-13, passed 7-10-01; Am. Ord. 2008-13, passed 7-8-08; Am. Ord. 2017-01, passed 8-1-17)

#### § 37.33 APPOINTMENT OF MEMBERS; TERM OF OFFICE; REMOVAL FROM OFFICE; OATH; COMPENSATION.

(A) Members of the Code Enforcement Board shall be appointed by the executive authority of the city, subject to the approval of the legislative body.

(B) (1) The initial appointment to the Board shall be as follows:

(a) One member appointed to a one-year term.

(b) One member of the Board shall be appointed for a term of two years.

(c) One member of the Board shall be appointed for a term of three years.

(2) All subsequent appointments shall be for a term of three years. A member may be reappointed, subject to the approval of the legislative body.

(C) The executive authority may appoint, subject to the approval of the legislative body, one alternate members to serve on the Code Enforcement Board in the absence of regular members. Alternate members shall meet all of the qualifications and shall be subject to all of the requirements that apply to regular members of the Code Enforcement Board.

(D) Any vacancy on the Board shall be filled by the executive authority, subject to approval of the legislative body within 60 days of the vacancy. If the vacancy is not filled within that time period, the remaining Code Enforcement Board members shall fill the vacancy.

(E) A Board member may be removed from office by the executive authority for misconduct, inefficiency, or willful neglect of duty. The executive authority must submit a written statement to the member and the legislative body setting forth the reasons for removal.

(F) All members of the Code Enforcement Board must, before entering upon the duties of their office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.

(G) Members of the Code Enforcement Board shall be reimbursed for actual expenses and compensated in the amount of \$20 per month and \$25 for the Chair.

(H) No member of the Code Enforcement Board may hold any elected or nonelected office, paid or unpaid, or any position of employment with the city.

(I) No member of the Board shall hold any elected or nonelected office, paid or unpaid, or any position of employment with the city.

(J) Member of the Board shall obtain two hours of training annually on topics pertinent to their duties as Code Enforcement and Nuisance Board members.

(K) All hearing officers, including members of the board who serve as hearing officers, must obtain two hours of training related to the conduct of an administrative hearing in accordance with the procedures established in KRS 13B.080.

(Ord. 2001-13, passed 7-10-01; Am. Ord. 2008-13, passed 7-8-08; Am. Ord. 2017-01, passed 8-1-17; Am. Ord. 2017-08, passed 11-21-17)

§ 37.34 ORGANIZATION OF BOARD; MEETINGS; QUORUM; ALTERNATE BOARD MEMBERS.

(A) The Board shall annually elect a chair from among its members. The Chairman shall be the presiding officer and a full voting member of the Board. If the chairman is not present, the board shall select one of its members to preside in place of and exercise the powers of the Chairman.

(B) Regular meetings of the Board shall be held on the third Thursday of every month. Meetings other than those regularly scheduled shall be a special meeting held in accordance with the requirements of the Kentucky Open Meetings Act.

(C) All meetings and hearings of the Board shall be held in accordance with the requirements of KRS 65.8815(5) and the Kentucky Open Meetings Act.

(D) The affirmative vote of a majority of a quorum of the Board shall be necessary for any official action to be taken.

(E) Minutes shall be kept for all proceedings of the Board and the vote of each member on any issue decided by the board shall be recorded in the minutes.

(Ord. 2001-13, passed 7-10-01, Am. Ord. 2001-21, passed 10-16-01; Am. Ord. 2008-13, passed 7-8-08; Am. Ord. 2017-01, passed 8-1-17)

§ 37.35 CONFLICT OF INTEREST.

Any member of the Board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the nature of the interest and shall disqualify himself from voting on the matter in which he has an interest and shall not be counted for purposes of establishing a quorum.

(Ord. 2001-13, passed 7-10-01; Am. Ord. 2008-13, passed 7-8-08; Am. Ord. 2017-01, passed 8-1-17)

§ 37.36 JURISDICTION.

The Board shall have jurisdiction to enforce and shall enforce those city ordinances and code provisions which specifically provide for Code Enforcement and Nuisance Board enforcement.

(Ord. 2001-13, passed 7-10-01; Am. Ord. 2008-13, passed 7-8-08; Am. Ord. 2017-01, passed 8-1-17)

§ 37.37 POWERS.

The City of Oak Grove Code Enforcement and Nuisance Board shall have the following powers and duties:

(A) To adopt rules and regulations to govern its operations and the conduct of the hearings;

(B) To conduct hearings, or assign a hearing officer to conduct a hearing, to determine if there has been a violation of an ordinance over which it has jurisdiction. Any Board member, including the Chairman, may also be assigned to conduct hearings on behalf of the Board;

(C) To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the Board may be served by any code enforcement officer.

(D) To take testimony under oath. The Chairman, or an assigned hearing officer, shall have the authority to administer oaths for the purpose of taking testimony.

(E) To make findings of fact and issue orders necessary to remedy any violation of a city ordinance or code provision which the Board is authorized to enforce.

(F) To impose civil fines, as authorized, on any person found to have violated an ordinance over which the board has jurisdiction. (Ord. 2001-13, passed 7-10-01; Am. Ord. 2008-13, passed 7-8-08; Am. Ord. 2017-01, passed 8-1-17)

§ 37.38 ENFORCEMENT PROCEEDINGS.

The following requirements shall govern all enforcement proceedings before the Board:

(A) Enforcement proceedings before the Code Enforcement and Nuisance Board shall only be initiated by the issuance of a citation by a code enforcement officer.

(B) Except as provided in division (C) below, if a code enforcement officer reasonable believes, based on his personal observation or investigation, that a person has violated a city ordinance, he shall issue a notice of violation to the offender allowing the offender a specified period of time to remedy the violation without fine. If the offender fails or refuses to remedy the violation within the time specified, the code enforcement officer is authorized to issue a citation.

(C) Nothing in this chapter shall prohibit the city from taking immediate action to remedy a violation of its ordinances when there is

reason to believe that the violation presents a serious threat to the public health, safety and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

(D) The citation issued by the code enforcement officer shall contain the following information:

- (1) The date and time of issuance;
- (2) The name and address of the person to whom the citation is issued;
- (3) The date and time the offense was committed;
- (4) The facts constituting the offense;
- (5) The section of the code or the number of the ordinance violated;
- (6) The name of the code enforcement officer;
- (7) The civil fine that will be imposed for the violation if the person does not contest the citation;
- (8) The maximum civil fine that may be imposed if the person elects to contest the citation;
- (9) The procedure for the person to follow in order to pay the civil fine or to consent; and
- (10) A statement that if the person fails to pay the civil fine set forth in the citation or consent the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the Code Enforcement and Nuisance Board to contest the citation and that the determination that the violation was committed shall be final.

(E) The code enforcement office may issue the citation by:

- (1) Personal service to the alleged violator;
- (2) Leaving a copy of the citation with any person 18 years of age or older, who is on the premises, if the alleged violator is not on the premises at the time the citation is issued; or
- (3) Posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular, first class mail to the owner of the record of the property, if no one is on the premises at the time of the citation is issued.

(F) After issuing a citation to an alleged violator, the code enforcement officer shall notify the Board by delivering the citation to the Code Enforcement Secretary.

(G) The person to whom the citation is issued shall respond to the citation within seven days of the date of issuance by either paying the civil fine or requesting, in writing a hearing before the Board to contest the citation. If the person fails to respond to the citation within seven days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final.

(H) If the alleged violator does not contest the citation within the time prescribed, the Board shall enter a final order determining that the violation was committed and impose the civil fine set forth in the citation.

(Ord. 2001-13, passed 7-10-01; Am. Ord. 2008-13, passed 7-8-08; Am. Ord. 2017-01, passed 8-1-17)

§ 37.39 HEARING; NOTICE; FINAL ORDER.

(A) When a hearing has been requested, the Code Enforcement and Nuisance Board shall schedule a hearing at the next regular meeting. The Board may conduct the hearing, or may assign a hearing officer to conduct the hearing. In addition, any Board member, including the Chairman, may be assigned to conduct the hearing on behalf of the Board.

(B) Not less than seven days before the date of the hearing, the board shall notify the requester of the date, time, and place of the hearing. The notice may be given by certified mail, return receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual regarding therein who is 18 years of age or older and who is informed of the contents of the notice.

(C) Any person requesting a hearing before the Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. The Board shall enter a final order determining the violation was committed and shall impose the civil fine set forth in the citation. A copy of the final order shall be served upon the person guilty of the violation in accordance with division (F) below.

(D) All testimony shall be taken under oath and recorded. The board or assigned hearing officer shall take testimony from the code enforcement officer, the alleged violator, and any witnesses to the violation offered by the code enforcement officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.



(E) If a hearing officer is assigned to conduct the hearing, the hearing officer shall make written findings of fact, conclusions of law, and a recommended order for consideration by the Board. After the board conducts the hearing, or upon receipt of recommendations of a hearing officer assigned to conduct the hearing, the Board shall, based on the evidence, determine whether a violation was committed. If the board determines that no violation was committed, an order dismissing the citation shall be entered. If the Board determines that a violation was committed, the Board shall issue an order upholding the citation and either imposing a fine up to the maximum authorized by this or another ordinance, or requiring the offender to remedy a continuing violation within a specified time, or both.

(F) Every final order of the board shall be reduced in writing, which shall include the finding and conclusions of the Board and the date the order was issued. A copy shall be furnished to the person named on the citation. If the person named on the citation is not present when the final order is issued, the order shall be delivered to that person by certified mail, return receipt requested; by personal delivery; or by leaving a copy of the order at the person's usual place of residence with any individual residing therein who is 18 years of age or older and who is informed of the contents of the order.  
(Ord. 2001-13, passed 7-10-01; Am. Ord. 2001-21, passed 10-16-01; Am. Ord. 2008-13, passed 7-8-08; Am. Ord. 2017-01, passed 8-1-17)

#### § 37.40 PRESENTATION OF CASES.

Each case before the Code Enforcement and Nuisance Board shall be presented by an attorney selected by the city or by a Code Enforcement Office for the city. The City Attorney may either be counsel to the board or may present cases before the board, but in no case serve in both capacities.

(Ord. 2001-13, passed 7-10-01; Am. Ord. 2008-13, passed 7-8-08; Am. Ord. 2017-01, passed 8-1-17)

#### § 37.41 APPEALS; FINAL JUDGMENT.

(A) An appeal from any final order of the Code Enforcement and Nuisance Board may be made to the Christian county district court within 30 days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the Board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure. The appeal shall be tried de novo. A Judgment of the district court may be appealed to the county circuit court in accordance with the Kentucky Rules of Civil Procedure.

(B) If no appeal from a final order of the Board is filled within the time period set in division (A) above, the Board's order shall be deemed final for all purposes.

(Ord. 2001-13, passed 7-10-01; Am. Ord. 2008-13, passed 7-8-08; Am. Ord. 2017-01, passed 8-1-17)

§ 37.42 ORDINANCE FINE SCHEDULE.

Violations of ordinances that are enforced by the city Code Enforcement Board shall be subject to the following schedule of civil fines:

(A) If a citation for a violation of an ordinance is not contested by the person charged with the violation, the penalties set forth in this division shall apply; however, the Board may waive all or any portion of a penalty for an uncontested violation, if in its discretion, the Board determines that such waiver will promote compliance with the ordinance in issue.

Violation	First Offense	Second Offense	All Others
Animals	\$25.00	\$50.00	\$100.00
Unsafe and Unfit Structure Code	\$200.00	\$350.00	\$500.00
Garbage/Rubbish	\$200.00	\$350.00	\$500.00
Occupational License	\$200.00	\$350.00	\$500.00
Weeds/Grass	\$200.00	\$350.00	\$500.00

(B) If the citation is contested and a hearing before the Board is required, the following maximum penalties may be imposed:

Violation	First Offense	Second Offense	All Others
Animals	\$100.00	\$200.00	\$300.00
Unsafe and Unfit Structure Code	\$500.00	\$500.00	\$500.00
Garbage/Rubbish	\$500.00	\$500.00	\$500.00
Occupational License	\$500.00	\$500.00	\$500.00
Weeds/Grass	\$500.00	\$500.00	\$500.00

(Ord. 2001-13, passed 7-10-01; Am. Ord. 2017-01, passed 8-1-17)

§ 37.43 LIEN; FINES, CHARGES AND FEES.

(A) Nuisance violations.

(1) The city shall possess a lien on property owned by the person found by a final, nonappealable order of the board, or by a final judgement of the court, to have committed a violation of a city

ordinance for all fines assessed for the violation and for all charges, fees, and abatement costs incurred by the city in connection with the enforcement of this chapter at \$100.00 per hour, plus administrative fees and interest.

(2) The lien shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid.

(3) The lien shall take precedence over all other liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings.

(4) In addition to the remedy prescribed in division (A), the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges, fees, and abatement costs incurred by the city in connection with the enforcement of this chapter. The city may bring a civil suit action against the person and shall have the same remedies as provided for the recovery of a debt.

(B) Other code violations.

(1) The city shall possess a lien on property owned by the person found by a final, nonappealable order of the Board, or by a final judgment of the court, to have committed a violation of a city ordinance for all fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of this chapter, at \$100.00 per hour, plus administrative fees and interest.

(2) The lien shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid.

(3) The lien shall take precedence over all other subsequent liens, except state, county, school board, and city taxes, and may be enforced by judicial proceedings.

(4) In addition to the remedy prescribed in division (A), the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the city in connection with the enforcement of this chapter. The city may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

(Ord. 2017-01, passed 8-1-17)

LAND ACQUISITION AND DEVELOPMENT COMMITTEE

§ 37.50 CREATION.

There is hereby created a Land Acquisition and Development Committee. This committee shall be composed of three members of the

City Council. These members shall be appointed by a majority vote of the City Council.

(Ord. 2004-04, passed 7-20-04)

§ 37.51 DUTIES AND RESPONSIBILITIES.

The Land Acquisition and Development Committee shall have the following duties and responsibilities and such others as the City Council may add:

(A) Review all plans for land acquisition and land development, with the subsequent submission of written reports to the City Council necessary to implement the recommendations of the legislative committee;

(B) Coordinate and implement plans for land acquisition and development, as authorized by the City Council;

(C) The submission of an annual report to the City Council on the status of pending projects as well as plans for future projects; and

(D) The scheduling and attendance of monthly meetings.  
(Ord. 2004-04, passed 7-20-04)

CHAPTER 38: POLICE AND FIRE DEPARTMENTS

Section

Fire Department

- 38.01 Establishment
- 38.02 Fire Chief

Police Department

- 38.10 Establishment
- 38.11 Police Chief; Assistant Chief; police officers
- 38.12 Duties of police officers
- 38.13 Body armor

Reserve Police Force

- 38.20 Establishment
- 38.21 Purpose
- 38.22 Membership
- 38.23 Supervision
- 38.24 Duties
- 38.25 Powers of arrest
- 38.26 Training
- 38.27 Hours of work
- 38.28 Identification
- 38.29 Uniform regulations
- 38.30 Firearms
- 38.31 Oath

FIRE DEPARTMENT

§ 38.01 ESTABLISHMENT.

A Fire Department is hereby established in the city to be known as the Oak Grove Volunteer Fire Department.

§ 38.02 FIRE CHIEF.

(A) The Fire Chief shall be appointed by the Mayor and may be removed by the Mayor at will.

(B) No person shall be appointed or act as the Fire Chief unless such person has taken the oath required by section 228 of the Constitution of the Commonwealth of Kentucky and conditioned upon the performance of the duties specified herein.

(C) Subject to the executive authority of the city and the rules and regulations promulgated by the volunteer firefighters and approved by the Mayor, the Chief of the Volunteer Fire Department shall be responsible for the organization and operation of the Fire Department and shall supervise, direct, and control the equipment of the Fire Department and the volunteer firefighters in their response to fires and the extinguishment thereof and the plans, preparations, procedures, practice, and training in regard thereto, and may, as Chief of the Fire

Department, perform or cause to be performed all other actions authorized by law, ordinance, or regulation.

(D) The compensation of the Volunteer Fire Department Chief shall be as established by Council by ordinance.

#### POLICE DEPARTMENT

#### § 38.10 ESTABLISHMENT.

There is hereby established a Police Department in the city.

#### § 38.11 POLICE CHIEF; ASSISTANT CHIEF; POLICE OFFICERS.

(A) The Police Chief, Assistant Chief, and all police officers shall be appointed by the Mayor at will, and may be removed by the Mayor at will.

(B) No person shall be appointed or act as the Police Chief, Assistant Police Chief, or a police officer of the city unless such person has taken the oath required by section 228 of the Constitution of the Commonwealth of Kentucky and conditioned upon the performance of the duties specified herein.

(C) Training and experience shall consist of any combination of education, training, and experience which provides the necessary knowledge, skills, and abilities to perform effectively the duties of the position.

(D) Subject to the executive authority of the city, the Chief of Police shall be responsible for the organization and operation of the Police Department of the city, and he shall supervise, direct, and control the equipment and personnel thereof as peace officers of the city and state in the enforcement of all statutes, laws, and ordinances thereof.

(E) The compensation of the Police Chief and all police officers shall be in an amount to be established by City Council by ordinance.

#### § 38.12 DUTIES OF POLICE OFFICERS.

(A) The city's police officers shall serve all notices at the demand of the City Council, and perform such other services as required by the Mayor or the City Council.

(B) The city's police officers shall arrest all violators of state law and city ordinances, and see that peace and good order are preserved at all times.

#### § 38.13 BODY ARMOR.

(A) Issuance of body armor.

(1) All body armor issued must comply with the current minimum protective standards prescribed by the National Institute of Justice.

(2) All law enforcement officers shall be issued body armor.

(3) Body armor that is worn or damaged shall be replaced by the agency. Body armor that must be replaced due to misuse or abuse by the officer shall be paid for by the officer.

(B) Use of body armor.

(1) Body armor shall be worn during recruit and field training.

(2) Both law enforcement officers that are assigned to a uniformed function and non-uniformed sworn officers are required to wear the issued body armor while engaged in field activities while on or off duty unless exempted as follows:

(a) When an agency-approved physician determines that an officer has a medical condition that would preclude use of body armor;

(b) When the officer is involved in undercover or plainclothes work that his supervisor determines would be compromised by use of body armor;

(c) When the officer is assigned to perform an administrative function; or

(d) When the department determines that circumstances make it inappropriate to mandate body armor.

(C) Inspections of body armor.

(1) Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this policy by a periodic documented inspection of their employee's body armor.

(2) Periodic random testing of departmental body armor shall be done by the individual responsible for the uniform supply function through a certified laboratory.

(3) There shall be an annual inspection of all body armor for fit, cleanliness, signs of damage, abuse and wear.

(D) Care and maintenance of body armor.

(1) Each law enforcement officer is responsible for the proper storage of body armor in accordance with manufacturer's instructions and daily inspection for signs of damage and general cleanliness.

(2) As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning his body armor in accordance with the manufacturer's instructions.

(3) Officers are responsible for reporting any damage or wear to the ballistic panels or cover to the individual responsible for the uniform supply function.

(E) Training.

(1) Technological advances in the body armor industry that may necessitate a change in body armor.

(2) A description of weapons and ammunition currently in use, and whether or not issued body armor can withstand their impact.

(3) Training programs that inform the officers about body armor, and emphasize its safe and proper use.

(4) Statistics on incidents where armor has or has not protected officers from harm, including traffic accidents.

(F) Penalties for non-compliance. The penalty for the first offense shall be suspension without pay for three (3) days; second offense shall be suspension without pay 30 days; and the third offense shall be termination.

(Ord. 1999-04, passed 2-16-99)

RESERVE POLICE FORCE

§ 38.20 ESTABLISHMENT.

Pursuant to the provisions of KRS 95.445, there is hereby created and established a volunteer reserve police force for the City of Oak Grove.

(Ord. 2000-01, passed 3-21-00)

§ 38.21 PURPOSE.

The purpose of the reserve police force shall be to assist the regular City Police Department with such tasks and functions as may be provided by the Chief of Police, subject to the authority of the Mayor.

(Ord. 2000-01, passed 3-21-00)

§ 38.22 MEMBERSHIP.

(A) All members of the reserve police force shall be volunteers. They shall donate their time to the reserve police force as a community service on a voluntary basis, and, as such, no member of the reserve police force shall be compensated for his or her time or service. As a volunteer, no member of the reserve police force shall be considered an employee of the city.

(B) Each member of the reserve police force shall be considered "at-will" and, therefore, may be terminated and discharged from the force at any time, for any reason, with or without cause.

(C) The reserve police force shall consist of no more than 20 persons, all of whom shall be appointed by the Mayor, and each of whom shall serve as a volunteer, reserve police officer at the pleasure of the Mayor.



(D) Before becoming a member of the reserve police force, each volunteer must sign and agree to abide by an agreement designating such person as a volunteer, reserve police officer for the City of Oak Grove, and containing such other provisions as the Mayor may deem appropriate.

(Ord. 2000-01, passed 3-21-00)

#### § 38.23 SUPERVISION.

The Chief of Police, with the approval of the Mayor, may designate a regular compensated police officer to coordinate, direct and supervise the volunteer, reserve police force. Additionally, the Chief of Police, or his duly appointed designee, shall keep accurate records of all appointments to the force, together with other pertinent facts and information relative to the appointee.

(Ord. 2000-01, passed 3-21-00)

#### § 38.24 DUTIES.

The members of the volunteer, reserve police force shall perform such duties as shall be designated by the Chief of Police, subject to the approval and authority of the Mayor.

(Ord. 2000-01, passed 3-21-00)

#### § 38.25 POWERS OF ARREST.

(A) Members of the force are granted the power of arrest within the limits of Christian County, Kentucky, provided, however, that no member of the force shall exercise the power of arrest except while in uniform or when otherwise assigned to a specific duty as authorized by the Chief of Police.

(B) No member of the force shall exercise the power of arrest until he or she has successfully completed a course of training prescribed by the Chief of Police and been taught by designated members of the police department or certified police instructors from other agencies.

(Ord. 2000-01, passed 3-21-00)

#### § 38.26 TRAINING.

(A) All reserve officers sworn in after December 1998 must attend and pass the Police Officers Professional Standards (POPS) testing and attend the 640 hour basic training course within one (1) year of joining the force to keep his/her active status with the force. After completion of basic training officer must attend a 40 hour in-service training annually.

(B) All reserve officers are required to qualify semi-annually with their duty weapon. Firearms qualifications shall be the same as for regular police officers, in accordance with the Oak Grove Police Department Firearms Policy.

(C) Any reserve officer who fails to successfully complete training requirements or fails to qualify with their duty weapon shall be subject to dismissal from the force.

(Ord. 2000-01, passed 3-21-00)

§ 38.27 HOURS OF WORK.

All members of the volunteer, reserve police force shall be required to work a minimum of 100 hours in a calendar year in order to maintain their reserve status. These work hours include hours assigned to patrol and special assignments, but do not include hours spent in training. Those members who join the force after the beginning of the calendar year shall have this requirement pro-rated in accordance with the date of their appointment.

(Ord. 2000-01, passed 3-21-00)

§ 38.28 IDENTIFICATION.

(A) Reserve officers shall be issued a badge and an identification card.

(B) The reserve officer shall carry the badge and identification card anytime he or she is on duty.

(C) The identification card may be carried while off duty, but the badge shall not be carried while the reserve officer is off-duty.  
(Ord. 2000-01, passed 3-21-00)

§ 38.29 UNIFORM REGULATIONS.

(A) Reserve officers shall wear the same uniform as regular patrol officers; the collar brass shall have an insignia of "PD" for all reserve officers.

(B) Reserve officers shall follow the same appearance regulations as regular officers.

(C) Reserve officers shall not engage in any personal business while in uniform, either on or off-duty.  
(Ord. 2000-01, passed 3-21-00)

§ 38.30 FIREARMS.

(A) The use of firearms by reserve officers is subject to the same regulations as those for regular officers.

(B) Reserve officers shall carry only department approved firearms while on duty.

(C) Reserve officers shall not carry a second weapon while on duty.

(D) Reserve officers shall not carry a concealed firearm while on duty or off duty.

(E) Reserve officers are required to purchase their own firearm for duty.  
(Ord. 2000-01, passed 3-21-00)

§ 38.31 OATH.

Each volunteer, reserve police officer shall be sworn to uphold the Constitution of the Commonwealth of Kentucky and the United States of America, and to equally and fairly enforce the laws of the United States, the Commonwealth of Kentucky, and the City of Oak Grove. Each volunteer, reserve police officer shall have the same powers, duties and responsibilities as regular police officers, as directed by the Chief of Police subject to the authority of the Mayor.  
(Ord. 2000-01, passed 3-21-00)



CHAPTER 39: PERSONNEL ADMINISTRATION

Section

Classification Plan, Compensation Plan and Policies and Procedures

39.01 Adoption by reference

Affirmative Action Plan

- 39.20 Statement of policy
- 39.21 Dissemination of policy
- 39.22 Personnel actions
- 39.23 Workforce utilization; goals and timetables
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County Employees' Retirement System

39.40 Participation in County Employees' Retirement system

Appendix A: Grantee Section 3 Affirmative Action Plan

Appendix B: Utilization goals and timetables; charts

CLASSIFICATION PLAN, COMPENSATION PLAN AND POLICIES AND PROCEDURES

§ 39.01 ADOPTION BY REFERENCE.

The classification plan, compensation plan, and policies and procedures which are hereby adopted by reference, shall be the system of personnel administration for the city. The classification plan, compensation plan, and policies and procedures may be waived, altered, or suspended only by a change of ordinance.

(Ord. 1989-5, passed 7-11-89; Am. Ord. 1993-7, passed 7-20-93)

AFFIRMATIVE ACTION PLAN

§ 39.20 STATEMENT OF POLICY.

The Affirmative Action policy of the city is to promote equal employment opportunity; to prohibit discrimination in city employment on account of race, color, religion, national origin, sex, age or handicapped status; and to bring about a fair representation and utilization of females and minorities on all levels of city employment.

(Ord. 1989-9, passed 9-12-89)

§ 39.21 DISSEMINATION OF POLICY.

The city will advise all employees and applicants for employment of this policy and will post it in a conspicuous place. The city will make known to the public that employment opportunities are available on the basis of individual ability and will encourage all persons who are employed by the city to strive for advancement on that basis.

(Ord. 1989-9, passed 9-12-89)

§ 39.22 PERSONNEL ACTIONS.

The city will actively recruit qualified or qualifiable persons among females and minorities on a nondiscriminatory basis for all available job openings at every level; and the city will ensure every employee equal treatment in respect to terms and conditions of employment, job assignments, compensation, access to training, and promotions.

(Ord. 1989-9, passed 9-12-89)

§ 39.23 WORKFORCE UTILIZATION; GOALS AND TIMETABLES.

The city will analyze the utilization of females and minorities in its workforce and compare it with the utilization by all employers in the county according to the latest official census. The goal of the city is to bring out comparable utilization in all categories within the next five years.

(A) Survey of labor market. The city has determined that the labor market in which it operates is Christian County, Kentucky. The latest reliable data that shows the utilization of females and minorities by job category is the 1980 general census.

(B) City workforce. The number of women and minorities employed by the city in each job category was compared with those available in the workforce of the community. The percentage of such employees in the community was multiplied by the total city employees in each job category to determine the number required for fair selection.

(C) Goals and timetables.

(1) The city examined each category in which the number of females and minorities were fewer than the number required for fair selection. Appropriate goals for women and for minorities were established to bring the city's utilization to a level comparable to the community workforce. Timetables were based on the anticipated annual job openings in each category.

(2) Where a disparity exists between the percentage of a protected group in the community population and the percentage in the community workforce, the goals are adjusted to overcome this disparity. The goal of fair utilization of minorities and females in each category is to be met within the next five years through the personnel procedures established by this Plan without discrimination of any kind. The maintenance of this policy will be a continuing effort.

(Ord. 1989-9, passed 9-12-89)

§ 39.24 RESPONSIBILITY FOR IMPLEMENTATION.

The Mayor shall be responsible for implementation of this Affirmative Action Plan, including maintenance of the workforce analysis and job roster and hearing complaints of discrimination by any employees or prospective employees of the city, with a final appeal to the City Council.

(Ord. 1989-9, passed 9-12-89)

§ 39.25 EVALUATION AND REPORTS.

The person given responsibility for implementation of this Affirmative Action Plan shall examine its operation periodically and shall report the progress being made, together with recommendations for improvements in the Plan, to the City Council at least once every year. (Ord. 1989-9, passed 9-12-89)

§ 39.26 GRIEVANCE PROCEDURE.

(A) Any employee who believes he has been adversely effected by an act or decision of the supervisory or managerial personnel of the city and that such act or decision was based on race, color, sex, religion, national origin, or handicapped condition shall have the right to process a complaint or grievance in accordance with the following procedure:

(1) An employee who has a grievance regarding his employment by the city may discuss the grievance with his supervisor.

(2) If, following the discussion, the decision of the supervisor regarding the grievance does not satisfy the employee, he may discuss it with the Mayor.

(3) If the decision of the Mayor does not satisfy the employee, he may request a hearing with the City Council by submitting written request for the hearing. The decision of the City Council regarding the grievance shall be final.

(4) In thus discussing the grievance, the employee may designate any person of his choice to appear with him and participate in the discussion. The City Council may require the supervisor to participate in the discussion of the grievance when it is brought before the City Council.

(B) Any employee or applicant for employment who is denied employment with the city and believes that denial was based in whole or in part on the race, religion, sex, age or physical condition of the applicant may file a written complaint with the Mayor who shall make every effort to resolve the matter impartially and expeditiously. The appeal procedure above is also available to such grievant. (Ord. 1989-9, passed 9-12-89)

§ 39.27 PLAN TO BE FILED WITH CITY ADMINISTRATIVE OFFICER/CITY CLERK.

The City Affirmative Action Plan, a copy of which is on file in the office of the City Administrative Officer/City Clerk, may be reviewed at any time during normal business hours, 9:00 a.m. to 4:00 p.m., Monday through Friday of each week, holidays excluded. The Affirmative Action Plan may be waived, altered, or suspended only by change of ordinance. (Ord. 1989-9, passed 9-12-89)

## COUNTY EMPLOYEES' RETIREMENT SYSTEM

§ 39.40 PARTICIPATION IN COUNTY EMPLOYEES' RETIREMENT SYSTEM.

The city is hereby authorized to participate in the County Employees' Retirement System effective June 1, 2000, and all eligible regular full-time officers and employees of the city are hereby authorized and directed to comply with the statutory requirements of this retirement system.

(Ord. 2000-04, passed 4-18-00)



APPENDIX A: GRANTEE SECTION 3 AFFIRMATIVE ACTION PLAN

(A) The city agrees to implement the following specific affirmative action steps directed at increasing opportunities for training and employment for lower income residents of the area,\* and increasing the utilization of business concerns located within the Section 3 covered area or owned by Section 3 area residents.

(1) To identify projected workforce needs for all phases of the program by occupation, trade, skill level, and number of positions and to develop utilization goals for the employment of lower income project area residents for each.

(2) To attempt to recruit from within the city the requisite number of project area residents through: local advertising media, posted signs, and community organizations and public and private institutions operating within or serving the project area.

(3) To identify eligible business concerns for CDBG-assisted contracts through: the Chamber of Commerce, the Urban League, local advertising media including public signage, project area committees, citizen advisory boards, lists available through CDBG program officials, regional planning agencies, and all other appropriate referral sources.

(4) To maintain a list of eligible business concerns for utilization in CDBG-funded procurements, to insure that all appropriate project area business concerns are notified of pending contractual opportunities and to make available this list for general city procurement needs.

\*\*(5) To require all bidders on contracts to submit a written Section 3 plan including utilization goals and the specific steps planning to accomplish these goals.

\*\*(6) To insure that contracts which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project areas are also let on a negotiated basis, whenever feasible, when let in a Section 3 covered project area.

(7) To maintain records, including copies of correspondence, memoranda, and the like, which document that all of the above affirmative action steps have been taken.

(8) To appoint or recruit an executive official of the city as Equal Opportunity Officer to coordinate the implementation of this Section 3 plan.

(B) Section 3 Plan. The city is committed to eliminating discrimination because of race, color, religion, sex, or national origin and will comply with Section 3 (Use of Small and Disadvantaged Businesses and Hiring Lower Income Residents of the Project Area),

\* The project area is coextensive with the city's boundaries.

\*\* Loans, grants, contracts, and subsidies for less than \$10,000 will be exempt.

Equal Employment Opportunity Act of 1978 (In House Equal Employment Opportunity), Executive Order 11246, as amended by Executive Order 11375 (Equal Employment Opportunity on Federal Assisted Construction Contracts), and Executive Order 11625 (Minority Entrepreneurship). Notice of the policy will be placed in plain sight on the job location for the benefit of interested parties and all contractors and subcontractors so notified. All equal opportunity posters will be displayed as required.

(1) Responsibility. The City Clerk, with offices located at City Hall, has been appointed as Equal Opportunity Officer to coordinate the city's efforts to advise and assist key personnel and staff, to officially serve as focal point for complaints, and to submit required reports as needed.

(2) In-house program under Section 3.

(a) At present there are \_\_\_\_\_ persons employed by the city and of those employed \_\_\_\_\_% reside within the city's corporate limits, while \_\_\_\_\_% reside outside the corporate city limits. As vacancies occur and/or new positions are created, the city will make every effort to maintain at least the present percentage level of employees working for the city and residing within the city's corporate limits.

1. The current employment of the city by department is listed on an Exhibit A incorporated by reference showing position, place of residence, salary range, sex, and race.

2. Projected vacancies and training.

a. The city anticipates an annual employee turn-over of \_\_\_\_\_% or \_\_\_\_\_ employees. As this turn-over occurs every effort will be made to upgrade employees from lower classification positions. A registry will be maintained to screen all applicants and to the greatest extent feasible to fill vacancies with qualified lower income residents.

b. The city will encourage all of the unskilled employees to better themselves through training programs administered by the city and any other training program previously approved. Upon completion of said training program the city will make every effort to upgrade the employee with regard to job classification and responsibilities.

3. a. The city has \_\_\_\_\_ minority employees or \_\_\_\_\_% minority employment. Women make up \_\_\_\_\_% of the city's work force, or \_\_\_\_\_ employees. As positions become available through termination and attrition, the city will make every effort to increase both its minority and women employment.

b. Percentage goals established by the city are reflected on Exhibit #\_\_\_\_\_.

(b) All personnel actions of the city shall be made on a nondiscriminatory basis without regard to race, color, religion, sex or national origin.

(3) Affirmative contracting and subcontracting.

(a) Anticipated contracts involving federal funds to be awarded and to be bid by the city are indicated on Exhibit #\_\_\_\_\_ and made a part hereof.

(b) All advertisements for bids and contracts involving federal funds will contain the required Section 3 language as follows:

1. The work to be performed under this contract is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the city and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the city limits.

2. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

3. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

4. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR, Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR, Part 135, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.

5. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules

and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractor and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

a. The city shall inform each contractor of the Affirmative Action requirements and ensure compliance. All Affirmative Action Plans shall be reviewed and approved by the city prior to awarding any contract involving federal funds.

b. The city will submit all required reports on time and will ensure that all contractors and subcontractors submit required reports as needed.

c. The prime contractor will assume responsibility for submission of both the prime contract and subcontract Affirmative Action Plan.

d. The subcontractors' Affirmative Action Plan should be reviewed for adequacy by the prime contractor and evidenced in writing prior to submitting for approval.

e. The prime contractor and subcontractor shall set forth a method for the review of workforce needs, goals and recruitment methods.

f. Workforce recruitment methods shall be in compliance with the goals of the Section 3 clause regarding equal opportunity and notice of this policy will be placed in plain view on the job location for the benefit of all interested parties.

g. The prime contractor will specify all subcontracts indicating anticipated dollar amounts and set forth goals and objectives, and where feasible award subcontracts to small and disadvantaged businesses from the city; the prime contractor and subcontractor will to the maximum extent feasible notify qualified businesses of the city of all pending contracts or subcontracts.

h. The prime contractor and subcontractor shall determine the approximate manpower needs on the basis of crafts needed for the completion of various projects and through special outreach efforts make these needs known to public and private recruitment services and to the maximum extent feasible use lower income residents as trainees and workers (if qualified) to complete various projects.

i. All personnel actions on the part of the prime contractor and subcontractor shall be made on a nondiscriminatory basis without regard to race, color, religion, sex, or national origin. Racial mix of the total workforce will, to the extent possible, reflect the racial mix of the city.

(4) Lower income clarification. A family who resides in the city and whose income does not exceed 80% of the median family income for the state is considered to be a lower income family. The median family income for the state is \$\_\_\_\_; therefore a family whose income does not exceed \$\_\_\_\_ (80% of \$\_\_\_\_) will be considered as a lower income family. Information on the Exhibit #\_\_\_\_ incorporated by reference reflects the status of the city employees regarding lower income considerations based on their salary paid by the city. (Ord. 1989-9, passed 9-12-89)



UTILIZATION GOALS AND TIMETABLES FOR MINORITIES

Category	Community %	Total Local Govt Employees	Total Prot. Group Employees	Number Fair Selection	Addtl. Required	Projected Jobs per Year	Timetable for Goal Achievements		
							Yr. 1	Yr. 2	Yr. 3
1. Officials and Administrators									
2. Professionals Para-Professionals Technicians									
3. Clerical									
4. Skilled Craft									
5. Service/ Maintenance									
6. Protective Service (Police, Firemen)									
ALL CATEGORIES COMBINED									

Projected job openings are based on the annual turnover rate for the particular classification and the new positions expected to be created for each year of the Plan. Recruitment and promotion policies will be revised to provide sufficient qualified applicants from the protected groups to at least equal the promotion of such persons in the community-wide force.

## UTILIZATION GOALS AND TIMETABLES FOR FEMALES

Category	Community %	Total Local Gov't Employees	Total Prot. Group Employees	Number Fair Selection	Addtl. Required	Projected Jobs per Year	Timetable for Goal Achievements		
							Yr. 1	Yr. 2	Yr. 3
1. Officials and Administrators									
2. Professionals Para-Professionals Technicians									
3. Clerical									
4. Skilled Craft									
5. Service/ Maintenance									
6. Protective Service (Police, Firemen)									
ALL CATEGORIES COMBINED									

Projected job openings are based on the annual turnover rate for the particular classification and the new positions expected to be created for each year of the Plan. Recruitment and promotion policies will be revised to provide sufficient qualified applicants from the protected groups to at least equal the promotion of such persons in the community-wide force.



INSTRUCTIONS FOR COMPLETING AFFIRMATIVE ACTION  
PLAN GOALS AND TIMETABLES

In completing goals and timetables, comparisons with local government employment will be made between either the minority/female population of the community, or the minority/female community workforce analysis. If minority population is equal or greater than 5%, comparisons should be made with workforce data. If minority population is less than 5%, population data should be used. When using population comparisons rather than workforce data, female goals should be at least 7%. Otherwise, goals for females will be based on percentage of females in the workforce.

Category. The broad areas into which all jobs will fall. Specific definitions are incorporated by reference.

Community %. The percentage of females/minorities in the community holding jobs in each category. If community minority population is less than 5%, this column will reflect minority population percentages and female percentages of at least 7%. In this case, all categories will reflect the same figures.

Total local government employees. The total number of employees of the community in each category (excluding elected positions).

Total protected group employees. The total number of minority/female employees in each category.

Number fair selection. Based on community% column, the number of minority/female employees community should have.

Additional required. The difference between total protected group employees and number fair selection.

Projected jobs per year. The number of job openings (including creation of new jobs) projected in the next calendar year for each category.

Timetable for goal achievement. The total number of minorities/females to be hired in each category each year.

(Ord. 1989-9, passed 9-12-89)



## CHAPTER 40: CODE OF ETHICS

### Section

- 40.01 Definitions
- 40.02 Standards of conduct
- 40.03 Financial disclosure
- 40.04 Nepotism
- 40.05 City Ethics Commission

### § 40.01 DEFINITIONS.

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

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

"CANDIDATE." Any individual who seeks nomination or election to a city government office. An individual is a candidate when the individual:

(1) Files a notification and declaration for nomination for office with a County Clerk or the Secretary of State; or

(2) Is nominated for office by a political party under KRS 118.105, 118.115, 118.325, or 118.760.

"CITY GOVERNMENT AGENCY." Any board, commission, authority, nonstock corporation, or other entity formed by the city government or a combination of local governments.

"CITY GOVERNMENT EMPLOYEE." Any person, whether compensated or not, whether full-time or part-time, employed by or serving the city government or city government agency who is not a city government officer, but shall not mean any employees of a school district or school board.

"CITY GOVERNMENT OFFICER." Any person, whether compensated or not, whether full-time or part-time, who is elected to any city government office; or serves as a member of a governing body of a special taxing district, but shall not mean any officer of a school district or school board.

"MEMBER OF IMMEDIATE FAMILY." A spouse, an unemancipated child residing in an individual's household, or a person claimed by the individual or individual's spouse as a dependent for tax purposes.  
(Ord. 1994-24, passed 11-21-94)

§ 40.02 STANDARDS OF CONDUCT.

(A) No city government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.

(B) No city government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

(C) No city government officer or employee shall act in his official capacity in any manner where he, a member of his immediate family; or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.

(D) No city government officer or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice his independence or judgment in the exercise of his official duties.

(E) No city government officer or employee shall solicit or accept any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, value or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence the officer or employee in performance of his or her official duties or was intended as a reward for any official action. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office.

(F) No city government officer or employee shall be prohibited from giving or receiving an award publicly presented in recognition of public service, commercially reasonable loans made in the ordinary course of the lender's business, or reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances, ceremonies or fact-finding trips related to official city government business.

(G) No city government officer shall be prohibited from accepting a gratuity for solemnizing a marriage.

(H) No city government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated except under the "rule of necessity".

(I) No city government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency, in the local government in which he serves.

(J) No city government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

(K) No elected city government officer shall be prohibited from making an inquiry for information or providing assistance on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his immediate family whether directly or indirectly, in return therefor.

(L) Nothing shall prohibit any city government officer or employee, or members of his immediate family, from representing himself, or themselves in negotiations or proceedings concerning his or their own interests.

(Ord. 1994-24, passed 11-21-94)

#### § 40.03 FINANCIAL DISCLOSURE.

(A) Any officer or employee, or any member of his immediate family, of the city government who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department or agency of the city government shall disclose such private interest to the City Council or the local ethics commission. All elected officials shall file an annual financial disclosure statement with the duly appointed City Ethics Commission in a form approved by said Ethics Commission on or before July 1st of each calendar year which shall include the name and address of all sources of income exceeding \$5,000 during the preceding calendar year, and the form of the income (e.g. salary, interest, dividend, rent, etc.). Any officer, employee or any member of his immediate family shall file additional reports with the City Ethics Commission as they become aware of the financial disclosures required herein. Said reports shall supplement and be in addition to the annual report previously required herein.

(B) Any mayor, councilperson, police chief, fire chief, city clerk or a member of his immediate family, who has a private interest in any matter pending before the City Council shall disclose such private interest on the records of the City Council and shall disqualify himself from participating in any decision or vote relating thereto.

(C) Any officer or employee, or a member of his immediate family, or an independent agency or special district to which this code of ethics applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such independent agency or special district shall disclose such private interest to the governing body of such agency or district.

(D) All requirements and provisions concerning financial disclosure, previously set out herein, shall also apply to the announced "candidate" for a political office, in the manner previously defined herein.

(E) The willful failure to comply with this section of the code of ethics may result in a fine being imposed upon the violating party in an amount not less than \$100 nor more than \$500, in the discretion of the local ethics commission.

(Ord. 1994-24, passed 11-21-94; Am. Ord. 1995-2, passed 2-7-95)

#### § 40.04 NEPOTISM.

(A) No city government officer or public official shall employ his/her spouse, child, parent or sibling in the same office in which said city government officer or public official also works or otherwise acts in a managerial capacity. This provision shall not apply to employees currently employed in city government or city government agency upon the initial adoption of this code of ethics.

(B) No officer or employee shall exercise contract management authority where any member of the immediate family of the official or employee is employed by or has contracts with persons doing city government work over which the official or employee has or exercises contract management authority.

(Ord. 1994-24, passed 11-21-94)

#### § 40.05 CITY ETHICS COMMISSION.

(A) A City Ethics Commission is established to enforce the provisions of this chapter. The City Ethics Commission shall consist of three members; none of which shall be a public official. The Commission member selected as chairperson shall be a citizen member. The members shall be appointed by the Mayor with the approval of City Council. Members shall receive no compensation but may be reimbursed for all necessary expenses. The terms of membership shall be staggered and no longer than four years.

(B) The Ethics Commission shall, on the written request of any official, candidate, nominee or employee covered under this code of ethics, render advisory opinions concerning the provisions of this code of ethics.

(C) The City Ethics Commission shall receive, hear and investigate complaints concerning violations or alleged violations of this code of ethics. In any instance where the Ethics Commission makes a finding that a violation of the code of ethics exists, the Commission

may impose the power to subpoena witnesses, administer oaths, take testimony and require other production of evidence.

(D) The City Ethics Commission shall maintain records of all financial disclosure statements, complaints, inquiries or other documents or records necessary to implement this code of ethics.

(E) Any person under the jurisdiction of this code of ethics, who fails or refuses to obey a lawful order issued in the exercise of these powers by the Ethics Commission, may be fined up to \$100 per day for each day said refusal or failure continues.

(F) Decisions of the City Ethics Commission regarding violations shall be subject to appeal to Christian Circuit Court.  
(Ord. 1994-24, passed 11-21-94; Am. Ord. 1995-s, passed 2-7-95)





CHAPTER 41: STATEWIDE EMERGENCY  
MANAGEMENT MUTUAL AID AND ASSISTANCE AGREEMENT

Section

41.01 Adoption by reference

§ 41.01 ADOPTION BY REFERENCE.

The Commonwealth of Kentucky Statewide Emergency Management Mutual Aid and Assistance Agreement is hereby adopted by reference, the same as if set out at length, in words herein.  
(Ord. 2002-22, passed 12-3-02)

STATEWIDE EMERGENCY MANAGEMENT  
MUTUAL AID AND ASSISTANCE AGREEMENT

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