

CHAPTER 30: EXECUTIVE AUTHORITY

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GENERAL PROVISIONS

§ 30.01 [RESERVED].

§ 30.02 FORM OF GOVERNMENT.

The form of government provided in Chapters 30 and 31 shall be known as the "Mayor-Council Plan."
(KRS 83A.130(1))

§ 30.03 GOVERNING OFFICERS.

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

(B) The city shall have a Mayor and a City Council composed of six (6) members.
(KRS 83A.030(1))

§ 30.04 ELECTION PROCEDURES.

(A) Pursuant to KRS 83A.050, election of city officers shall be under non-partisan city election laws and governed by the provisions of KRS 83A.045, 83A.170, 83A.175, and KRS Chapters 116 through 121.

(B) There shall be a non-partisan primary election for the nomination of candidates to city office in accordance with KRS 83A.170.

(C) All candidates must file their nomination papers with the County Clerk not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the last Tuesday in January before the day fixed by KRS Chapter 118 for holdings a regular election for the office in order to be entitled to appear on the ballot.

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

(E) The two applicants receiving the highest number of votes for nomination for each city office shall be nominated; or where the nominations are for city legislative body members there shall be nominated the number of applicants receiving the highest number of votes equal to twice the number of offices to be filled. A candidate who is defeated in the primary election. shall be ineligible as a candidate for the same office in the regular election.

(F) At the regular election the nominee or candidate receiving the greater number of votes cast for each city office shall be elected.

(G) All candidates shall be subject to all other applicable election laws pursuant to KRS 83A.050 and 83A.170 and Chapters 116 to 121.

(H) Vacancies in candidacies for city office shall be governed by KRS 83A.175.

(Ord. 04:2002, passed 4-8-02)

Cross-reference:

Non-elected offices, see Ch. 38

MAYOR

§ 30.10 ELECTION; TERM; QUALIFICATIONS; VACANCY.

(A) Election; term of office. The Mayor shall be elected by the voters of the city in accordance with the election procedures in § 30.04. A candidate for Mayor shall be a resident of the city for not less than one year prior to his or her election. His term of office shall begin 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 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 twenty-one (21) years of age, shall be a qualified voter in the city and shall reside in the city throughout his or her term of office.

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

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

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

(KRS 83A.040(2)(c))

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

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

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

(5) The City Council shall elect from among its members an individual to preside over meetings of the City Council during any vacancy in the office of the Mayor in accordance with the provisions of KRS 83A.130. (KRS 83A.040(2)(d)) (Am. Ord. 04:2002, passed 4-8-02)

§ 30.11 POWERS AND DUTIES.

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

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

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

(KRS 83A.130(3))

Cross-references:

Right to review statements submitted to Council pursuant to investigations, see § 31.07

Delegation of various duties to City Administrator, see § 36.01

§ 30.12 DUTIES DURING CIVIL EMERGENCY.

(A) Whenever riots, general civil disobedience or the threat of same occur within the city, the Mayor shall have the power to proclaim the existence of a civil emergency. The proclamation shall be in writing.

(B) After proclamation of a civil emergency, the Mayor may order a general curfew applicable to the geographical areas of the city or to the city as a whole, as he or she deems advisable and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

(C) After proclamation of civil emergency, the Mayor may make and end all of the following orders:

(1) Order the closing of all stores, clubs, or premises or portions thereof wherein consumption or sale of intoxicants are consumed or permitted.

(2) Order the discontinuance of selling, distributing, giving away, or furnishing gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(3) Order the closing of gasoline stations and other establishments the chief activity of which is the sale, distribution, or dispensing of liquid flammable or combustible products.

(4) Issue any other orders as are imminently necessary for the protection of life and property.

(D) Any person who violates any order or directive of a civil emergency proclamation issued by the Mayor shall, upon conviction, be guilty of a misdemeanor and shall be fined a sum of not less than

twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or confined in jail for not more than thirty (30) days, or both such fine and jail sentence.

(Ord. passed 4-23-70; Am. Ord. 27:2013, passed 10-14-13)

§ 30.13 PROMULGATION OF ADMINISTRATIVE PROCEDURES.

Subject to disapproval of the Council, the Mayor shall promulgate procedures to ensure orderly administration of the functions of city government and compliance with statute or ordinance. Upon promulgation or upon revision or rescission of the procedures, copies shall be filed with the City Clerk.

(KRS 83A.130(4))

§ 30.14 PARTICIPATION IN COUNCIL PROCEEDINGS.

(A) The Mayor shall preside at meetings of the Council. The Council may set by ordinance the manner in which one of its number may be selected to preside at meetings of the Council in place of the Mayor.

(B) The Mayor may participate in Council proceedings, but shall not have a vote, except that he or she may cast the deciding vote in case of a tie.

(KRS 83A.130(5))

§ 30.15 APPROVAL OR DISAPPROVAL OF ORDINANCES.

(A) All ordinances adopted by the Council shall be submitted to the Mayor who shall within ten (10) days after submission either approve the ordinance by affixing his or her signature or disapprove it by returning it to the Council together with a statement of his or her objections.

(B) No ordinance shall take effect without the Mayor's approval unless he or she fails to return it to the legislative body within ten (10) 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))

§ 30.16 DELEGATION OF DUTIES BY EXECUTIVE ORDER.

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

(KRS 83A.130(7))

§ 30.17 EXECUTION OF BONDS, NOTES, AND CONTRACTS.

All bonds, notes, contracts, and written obligations of the city shall be made and executed by the Mayor or his or her agent designated by executive order.

(KRS 83A.130(8))

§ 30.18 APPOINTMENT OF CITY EMPLOYEES.

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

(KRS 83A.130(9))

§ 30.19 APPOINTMENT AND REMOVAL OF NON-ELECTED OFFICERS.

(A) All non-elected city officers shall be appointed by the Mayor and all such appointments shall be with approval of Council.

(B) The officers may be removed by the Mayor at will unless otherwise provided by statute or ordinance. Upon removal of a non-elected officer at will, the Mayor shall give the officer a written statement setting forth the reason or reasons for the removal. However, this requirement shall not be construed as limiting in any way the at-will dismissal power of the Mayor.

(KRS 83A.080(3))

Cross-reference:

Non-elected offices, see Ch. 38

§ 30.20 PROCEDURE UPON DISABILITY; VACANCY.

(A) The Mayor shall provide for the orderly continuation of the functions of city government at any time he or she is unable to attend to the duties of his or her office by delegating responsibility for any function to be performed in accordance with § 30.16, provided that, the Mayor shall not delegate the responsibility of presiding at meetings of the Council and that approving ordinances or promulgating administrative procedures may only be delegated to an elected officer. With approval of the Council, the Mayor may rescind any action taken in his or her absence under this section within thirty (30) days of such action.

(B) If for any reason the disability of the Mayor to attend to his or her duties persists for sixty (60) consecutive days, the office of Mayor may be declared vacant by a majority vote of the Council and the provisions of § 30.10 shall apply.

(KRS 83A.130(10))

§ 30.21 COMPENSATION.

The City Council shall by ordinance fix the annual compensation of the Mayor.

(Ord. passed 4-10-89)