

CHAPTER 31: LEGISLATIVE AUTHORITY

Section

- 31.01 Councilmen
- 31.02 Quorum and meetings
- 31.03 Legislative immunity
- 31.04 Powers and duties
- 31.05 Establishment of appointive offices
- 31.06 Management of city resources
- 31.07 Investigation of city government activities
- 31.08 Compensation of officers and employees
- 31.09 Compensation of Councilmembers

§ 31.01 COUNCILMEN.

(A) Election; term of office. Each Council member shall be elected at-large by the voters of the city in accordance with the election procedures in § 30.04. A candidate for Council shall be a resident of the city for not less than one (1) year prior to his or her election. His or her term of office shall begin on the first day of January following his or her election and shall be for two (2) years.

(B) Qualifications. A member shall be at least eighteen (18) 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) Vacancies. If one or more vacancies on Council occur in a way that one (1) or more members remain seated, the remaining members shall within thirty (30) days fill the vacancies one at a time, giving each new appointee reasonable notice of his or her selection as will enable him or her 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 shall be filled as provided in this section.

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

(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.

(D) Failure to fill vacancies. If for any reason, any vacancy on Council 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(4), (5), (6), (7), (8)) (Am. Ord. 04:2002, passed 4-8-02)

§ 31.02 QUORUM AND MEETINGS.

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

(B) The regular monthly meeting of the City Council shall be held at the City Administrative Offices, 314 Bridge Street, Morehead, Kentucky, at 6:00 p.m., on the second Monday of each month. No notice is necessary or required to the Mayor or any member of City Council prior to any regular meeting of Council. (Ord. passed 8-12-74; amend. Ord. passed 1-2-78; amend. Ord. passed 10-24-80; amend. Ord. passed 1-9-89; amend. Ord. passed 2-12-90; amend. Ord. 27-92, passed 12-7-92; Am. Ord. 2-94, passed 1-18-94; Am. Ord. 26:2011, passed 7-11-11)

(C) Special meetings of the Council may be called by the Mayor, or upon the written request of a majority of Council members. 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. (Ord. passed 10-24-80)

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

(E) Written notice containing the date, place and agenda of the special meeting must be delivered personally, transmitted through facsimile machine or mailed to the Mayor and Council at least twenty-four (24) hours in advance of the special meeting. Said notice and agenda may also be sent by electronic mail if the member has submitted a written request to receive notification by electronic mail. The notice may be waived in writing by the Mayor or any members of the City Council prior to, at, or after the special meeting. The attendance of the Mayor or any members of the City Council at any special meeting shall be deemed a waiver of notice of this special meeting unless the person specifically objects to the meeting and the business transacted at the meeting, and files a written objection with the City Clerk. (Ord. passed 8-12-74; amend. Ord. passed 1-2-78; amend. Ord. passed 10-24-80)

(F) The minutes of every meeting shall be signed by the City Clerk and the officer presiding at the meeting. (Am. Ord. 30:2013, passed 12-9-13)

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For similar provisions under state law, see KRS 83A.130(11)

§ 31.03 LEGISLATIVE IMMUNITY.

For anything said in debate, Councilmen 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

§ 31.04 POWERS AND DUTIES.

The legislative authority of the city shall be vested in and exercised by the elected Council of the city. The Council shall not perform any executive functions except those functions assigned to it by statute.

(KRS 83A.130(11))

§ 31.05 ESTABLISHMENT OF APPOINTIVE OFFICES.

The Council shall by ordinance 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))

§ 31.06 MANAGEMENT OF CITY RESOURCES.

The Council shall by ordinance provide for sufficient revenue to operate city government and shall appropriate the funds of the city in a budget which shall provide for the orderly management of city resources.

(KRS 83A.130(12))

§ 31.07 INVESTIGATION OF CITY GOVERNMENT ACTIVITIES.

(A) The Council shall have the right to investigate all activities of city government. The Council may require any city officer or employee to prepare and submit to it sworn statements regarding his performance of his official duties.

(B) 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 shall have the right to 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))

§ 31.08 COMPENSATION OF OFFICERS AND EMPLOYEES.

(A) Council shall by ordinance fix 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 or her election or during his or her term of office.

(KRS 83A.070(1))

(B) Council shall fix the compensation of city employees and non-elected officers in accordance with a personnel and pay classification plan which shall be adopted by ordinance. (KRS 83A.070(2))

(C) An elected official of the city who is subject to the state merit system regulations shall be compensated on a per diem basis.

(Ord. 03:96, passed 1-8-96)

§ 31.09 COMPENSATION OF COUNCILMEMBERS.

Compensation for members of the City Council shall be set at the sum of two hundred fifty dollars (\$250.00) per month.

(Ord. passed 4-10-89; Am. Ord. 18:96, passed 8-12-96; Am. Ord. 12:2008, passed 4-24-08)