

ORDINANCE 843-2018

AN ORDINANCE OF THE CITY OF DRY RIDGE, GRANT COUNTY, KENTUCKY, ESTABLISHING THE JOB DESCRIPTIONS OUTLINING THE POWERS AND DUTIES OF THE ELECTED OFFICE OF MAYOR FOR THE CITY OF DRY RIDGE, KENTUCKY, AND OF THE ELECTED OFFICE OF COUNCILPERSON FOR THE CITY OF DRY RIDGE, KENTUCKY.

BE IT HEREBY ORDAINED BY THE CITY OF DRY RIDGE, KENTUCKY, AS FOLLOWS:

ARTICLE I. JOB DESCRIPTION FOR OFFICE OF MAYOR

Each city organized under the mayor-council plan must have an elected executive, who is called the mayor, and an elected legislative body called the city council. KRS 83A.130(2); KRS83A.030(1).

The distinguishing characteristic of the mayor-council form of city government is the clear separation of powers between the executive (mayor) and the legislative (city council) branches of government. All of the executive and administrative authority is vested by statute in the mayor. KRS 83A.130(3). The city council is expressly prohibited from performing any executive (or administrative) functions unless those functions have been assigned to it by statute. KRS 83A.130(11). With a few exceptions, the council is restricted to performing the legislative function. The executive branch and the legislative branch are intended to be separate, but co-equal, branches of government. It is very similar to the structure of the state government where the executive/administrative authority is vested in the Governor and the legislative authority is vested in the General Assembly.

Powers and Duties of the Mayor as dictated by KRS

In mayor-council cities, the mayor is the chief executive and administrative officer of the city. The mayor's principal function is to oversee the management of the city's daily affairs. The basic duties and authorities of the mayor in mayor-council cities are set forth in KRS 83A.130 as follows:

- a. Enforce the mayor-council plan, city ordinances and orders, and all applicable statutes. KRS 83A.130(3).
- b. Supervise the day-to-day operations of city government and the conduct of all city officers and employees under the mayor's jurisdiction. KRS 83A.130(3).
- c. Require each department to make reports as required by ordinance or as the mayor deems necessary. KRS 83A.130(3),
- d. Serve as liaison with related units of local government regarding interlocal contracting and joint services. KRS 83A.130(3).
- e. Report to the council and the public on the condition and needs of the city, as deemed desirable, or as required by ordinance, but as least annually. KRS 83A.130(3).

- f. Promulgate procedures, subject to council disapproval, to ensure the orderly functioning of government and compliance with statutes and ordinances. Copies must be filed with the city clerk. KRS 83A.130(4).
- g. Preside at council meetings. KRS 83A.130(5).
- h. Vote to break a tie at a council meeting, unless otherwise prevented by a specific statute. KRS 83A.130(5).
- i. The mayor may approve an ordinance by signing it or veto an ordinance by returning it to the council unsigned together with a statement of his or her objections within 10 days after the council approves the ordinance. If the mayor fails to act by signing or vetoing the ordinance within 10 days, the ordinance becomes effective automatically. KRS 83A.130(6).
- j. Make and sign all bonds, notes, contracts, and written obligations of the city, or designate an agent to do so by executive order. KRS 83A.130(8).
- k. Hire all city employees, including police officers, except for city council staff. KRS 83A.130(9).
- l. Appoint all nonelected officers as defined in KRS 83A.080, subject to council approval. KRS 83A.080(3).
- m. Discipline and dismiss all city employees and nonelected officers at-will, unless tenure or terms of employment are protected by statute, ordinance or contract, and except for council employees. KRS 83A.080(3).
- n. Prepare, present, and administer the annual budget. KRS 91A.030(5).
- o. Call special meetings of the council. KRS 83A.130(11).
- p. Provide for the orderly continuation of city government by delegating authority when necessary or desirable. KRS 83A.130(10).
 - i. If the mayor delegates his or her executive and administrative powers, duties, and responsibilities to subordinate officers and employees, he or she must do so by written executive order. KRS 83A.130(7).
 - ii. The mayor may not delegate his or her executive and administrative powers, duties, and responsibilities to a member of the city council, except when required to do so by statute. The doctrine of separation of powers, which is the key feature of the mayor-council form of government, demands this conclusion. In support, see KRS 83A.130(11) which prohibits the council from performing any executive function except those functions assigned to it by statute. Furthermore, KRS 83A.130(7) refers to the delegation of powers to subordinate officers and employees. Members of the city council are not subordinate to the mayor. Therefore, when the mayor is unable to perform his executive or administrative duties because of temporary absence or disability, the responsibility for performing those functions should be delegated to a nonelected officer such as the city administrator, city clerk, police chief, etc., or to an employee. KRS 83A.130(7).
 - iii. Two functions ordinarily performed by the mayor must be performed by a legislative body member when the mayor is unable. The responsibility of

“approving ordinances or promulgating administrative procedures may only be delegated to an elected officer”, i.e., a member of the council. Therefore, if it becomes necessary to delegate such responsibility, it must be delegated to a councilmember. KRS 83A.130(10).

Also, the mayor may not delegate the responsibility of presiding over meetings of the council. KRS 83A.130(10). In the mayor’s absence, the council selects one of its members to preside in place of the mayor. This may be done in advance by ordinance, or it may be done by motion and vote at the meeting. A Councilmember who presides in place of the mayor does not temporarily lose his status as a member of council and may continue to introduce legislation and vote on any issue.

NOTE: Unlike the commission and manager plans, the mayor-council plan does not specifically provide for the selection of a “mayor pro tem.” Executive and administrative actions taken by a council member in the mayor’s absence must conform to the limited statutory authority discussed above.

- iv. An executive or administrative action which is taken in the mayor’s absence may be rescinded by the mayor within 30 days of the date the action was taken, with the approval of the council. KRS 83A.130(10).

Powers and Duties of the Mayor as dictated by the City of Dry Ridge

1. Effective January 01, 2019, the position of Mayor for the City of Dry Ridge, will be a full-time position. The Mayor is expected to work at least 40 hours a week, averaging at least 2080 hours per calendar year.
2. The Mayor must complete the COO training.
3. The Mayor is required to stimulate and create economic growth in the City.
4. The Mayor is required to attend and participate in many committees and boards on behalf of the City. These include but are not limited to:
 - a. District 6 Transportation Board
 - b. Grant County Industrial Development Authority (IDA)
 - c. Grant County Tourism
 - d. Grant County Chamber of Commerce
 - e. Dry Ridge Housing Authority
 - f. E911 Board
 - g. FFLAG
 - h. Grant County Planning and Zoning
5. The Mayor is responsible for the oversight of time cards submitted by supervisors
6. The Mayor is responsible for conducting job performance reviews on all supervisors annually.
7. The Mayor is responsible for approval of financial purchases above and beyond supervisor approval thresholds.

8. The Mayor is responsible for review and signing off of all accident and incident reports involving City staff and/or property.
9. The Mayor is responsible for any other tasks or jobs requested by council.

Qualifications and Terms of the Mayor as dictated by KRS

1. Qualifications to be a Candidate

In order to be a candidate for mayor, a person must be a resident of the city for not less than one year prior to his or her election. KRS 83A.040(1).

2. Qualifications to Hold Office (these qualifications must be satisfied at the time the person takes office.

A mayor must:

- a. Be at least 21 years of age
- b. Be a qualified voter in the city
- c. Reside in the city throughout the term of office. KRS 83A.040(1).

3. Election and Term

The mayor must be elected by the voters at a regular election. The mayor's term of office begins on January 1, following the election, and is for four years and until the mayor's successor is qualified. KRS 83A.040(1). There is no limit on the number of terms that mayor may serve. KRS 83A.024.

4. Oath of Office

The mayor must take an oath of office as required by KRS 62.010(1), which provides that no officer shall enter upon the duties of his office until he takes the oath required of him by law.

5. Voluntary Resignation

If a mayor voluntarily resigns from office, he is required to submit a written resignation which specifies the effective date of the resignation to the legislative body. The resignation becomes effective at the next regular or special meeting of the legislative body after the effective date specified in the written resignation. KRS 83A.040(7).

6. Removal

A home rule class mayor may be removed from office by the unanimous vote of the members of the legislative body for "misconduct, incapacity, or willful neglect in the performance of the duties of his office" after first being given the right to a public hearing. Any mayor removed from office has a right of appeal to the circuit court. KRS 83A.040(9). In addition, KRS 83A.130(10), 83A.140(4), and 83A.150(3) provide that if the mayor is unable to attend to his duties for 60 consecutive days, a majority of the entire legislative body may declare the mayor's office vacant.

ARTICLE II. JOB DESCRIPTION FOR OFFICE OF COUNCILPERSON

Each city organized under the mayor-council plan must have an elected executive, who is called the mayor, and an elected legislative body called the city council. KRS 83A.130(2); KRS83A.030(1).

The number of members on the city council shall be no fewer than six nor more than 12 as prescribed by ordinance. KRS 83A.030(1).

The distinguishing characteristic of the mayor-council form of city government is the clear separation of powers between the executive (mayor) and the legislative (city council) branches of government. All of the executive and administrative authority is vested by statute in the mayor. KRS 83A.130(3). The city council is expressly prohibited from performing any executive (or administrative) functions unless those functions have been assigned to it by statute. KRS 83A.130(11). With a few exceptions, the council is restricted to performing the legislative function. The executive branch and the legislative branch are intended to be separate, but co-equal, branches of government. It is very similar to the structure of the state government where the executive/administrative authority is vested in the Governor and the legislative authority is vested in the General Assembly.

Powers and Duties of the Legislative Body as dictated by KRS

The “legislative authority of the city shall be vested in and exercised by the elected council of the city.” KRS 83A.130(11). City councils may not perform any executive or administrative function, unless specifically authorized by statute. KRS 83A.130(11). For instance, councilmembers may not supervise the day-to-day operations of city government or exercise supervisory authority over city employees.

NOTE: Although the city council and individual councilmembers may not supervise city employees who are under the executive authority of the mayor, the council may have its own employees. These employees may be supervised as determined by the council. The mayor has the power to hire and supervise all city employees “except for employees of the council.” KRS 83A.130(9). This statute clearly envisions that a city council may hire its own employees to assist it and its individual members in performing its legislative, investigative, or other legal functions. If the council hires its own employees, it may do so in whatever manner it decides. However, salaries must be properly appropriated within the budget, and if a new city employment position is being created, it must be added to the city’s personnel and pay classification plan.

KRS 83A.130 and other sections in KRS Chapter 83A set forth the specific powers and authorities of the city council as follows:

- a. Establish, by ordinance, all appointed offices and the duties and responsibilities of those offices. KRS 83A.130(12).

- b. Enact all codes, rules, and regulations for the general public's health, safety and welfare. KRS 83A.130(12).
- c. Provide sufficient revenues to operate city government through the adoption of an annual budget ordinance and by levying all taxes and establishing all fees and charges for the city services. KRS 83A.130(12).
- d. Establish, by ordinance, the compensation to be paid to all elected and appointed officers and employees of the city. KRS 83A.070(1), (2).
- e. May investigate all activities of city government and may require any city officer or employee to prepare and submit sworn statements regarding the performance of this official duties. If an office, department or agency under the jurisdiction of the mayor is involved, written notice of the council's action must be provided to the mayor, who then has the right to on behalf of the office, department or agency in the course of the investigation. KRS 83A.130(13).
- f. May disapprove regulations promulgated by the mayor. KRS 83A.130(4).
- g. May override mayoral vetoes by the affirmative vote of one more than a majority of the membership of the entire council. If the council wishes to override a veto, it must do so by the second regular meeting following the return of the ordinance. KRS 83A.130(6).
- h. May appoint a new mayor or councilmember if a vacancy occurs in the office within 30 days of the vacancy. KRS 83A.040(2)(a).
- i. May remove elected officers for misconduct, incapacity, or willful neglect of office. KRS 83A.040(9).
- j. May change the manner of electing city officers by adopting the nonpartisan primary election process. KRS 83A.050(2).
- k. May divide the city into wards for the purpose of electing council members. KRS 83A.100.
- l. Approve the appointment of nonelected city officers. KRS 83A.080(3).
- m. May call special meetings, upon written request of a majority of the council. KRS 83A.130(11).

Powers and Duties of the Legislative Body as dictated by The City of Dry Ridge

- 1. Each councilperson must complete the COA training.
- 2. Each councilperson must serve on at least one committee.
 - a. Committees can change based on need.
 - b. Attendance to committee meetings is required.
- 3. Each councilperson is required to attend at least 75% of council meetings each calendar year.
 - a. If more than 25% of council meetings are missed, a councilperson is subject to disciplinary action by council, up to and including dismissal.

Qualifications and Terms of the Legislative Body Members as dictated by KRS

- 1. Qualifications to be a Candidate

In order to be a candidate for a city legislative body, a person must be a resident of the city for not less than one year prior to his or her election. KRS 83A.040(4).

2. Qualifications to Hold Office (These qualifications must be satisfied at the time the person takes office.)

A legislative body member must:

- a. Be at least 18 years of age.
- b. Be a qualified voter in the city.
- c. Reside in the city throughout the term of office. KRS 83A.040(4).

3. Election and Term

A member of a city legislative body must be elected by the voters at a regular election. A member's term of office begins on January 1 following the election and is for two years. KRS 83A.040(4).

4. Oath of Office

The members of the legislative body are required to take an oath of office by KRS 62.010(1), which provides that no officer shall enter upon the duties of his office until he takes the oath required of him by law.

5. Voluntary Resignation

If a legislative body member voluntarily resigns from office, he is required to submit a written resignation which specifies the effective date of the resignation to the legislative body. The resignation becomes effective at the next regular or special meeting of the legislative body occurring after the date specified in written resignation. KRS 83A.040(7).

6. Removal

A home rule class legislative body member may be removed from office by the unanimous vote of the members of the legislative body for "misconduct, incapacity, or willful neglect in the performance of the duties of his office" after first being given the right to a public hearing. Any legislative body member removed from office has a right of appeal to the circuit court. KRS 83A.040(9). The removal of a legislative body member in a consolidated local government is governed by KRS 67C.143.

PUBLICLY INTRODUCED AND READ FIRST TIME: April 02, 2018

PUBLICLY READ SECOND TIME AND PASSED: **Failed Passage**

PASSED, ORDAINED, APPROVED AND ORDERED PUBLISHED ON THE

APPROVED: **Failed Passage**
James Wells, Mayor

ATTEST: _____
Amy Kenner, City Clerk