

CHAPTER 30: CITY OFFICERS AND EMPLOYEES

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GENERAL PROVISIONS

§ 30.01 DEFINITIONS.

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

"CODE OF ORDINANCES." A reenactment of the body of positive municipal law, read and interpreted as a whole, with the text arranged by subject matter and properly indexed.

"COMPOSITE INDEX." A loose-leaf compilation of all ordinances listed by date of passage, arranged by subject matter of the contents and indexed alphabetically.

"EXECUTIVE ORDER." An order issued by the Mayor which is binding upon the officers and employees of the city and any government agency over which the city has jurisdiction. (KRS 83A.010 (7))

"MUNICIPAL ORDER." An official act of Council which is binding upon the officers and employees of the municipality and any governmental agency over which the municipality has jurisdiction.

"OFFICER." Any person elected to a position by the voters or any person appointed to a position which:

(A) Is created by the Constitution, the general assembly, or the city;

(B) Possesses a delegation of a portion of the sovereign power of government;

(C) Has powers and duties to be discharged which are conferred directly or by implication by the city;

(D) Has duties performed independently and without control of a superior power other than law;

(E) Has some permanency;

(F) Requires an official oath;

(G) Is assigned by a commission or other written authority;
and

(H) Provides for an official bond if required by proper authority. (KRS 83A.010 (10))

"ORDINANCE." An official action of Council, which is a regulation of a general and permanent nature and enforceable as a local law or is an appropriation of money. (KRS 83A.010 (11))

"SUMMARY." A brief narrative prepared under the supervision of an attorney succinctly covering the main points of an official statement, ordinance, or rule in a way reasonably calculated to inform the public in a clear and understandable manner as to its meaning.
(KRS 83A.010)

§ 30.02 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 of 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 a challenge, nor aided or assisted any person thus offending, so help me God", as established by § 228 of the Kentucky Constitution.

(B) Certification. The person administering the oath shall certify in writing that the oath of office was administered and the date of its administration. The person administering the oath shall file a written certification in the office of the County Clerk.

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

ELECTED OFFICERS

§ 30.10 ELECTION PROCEDURE.

(A) As authorized by KRS 83A.045, the city hereby elects to forego the conducting of non-partisan primary elections for the nomination of candidates to city office regardless of the number of candidates running for each office. Each candidate for a city office shall file his or her nomination papers with the County Clerk not later than the second Tuesday of August before the date fixed by KRS Chapter 118 for the holding of regular elections.

(B) All candidates for election to city office of the city and their duties in respect to nomination papers, filing of nomination papers and election reports, etc. and the conduct of elections for such offices shall be governed by the provisions of KRS 83A.045(2)(b) and 83A.170, and any other applicable statutes.
(Ord. 88-287, passed 11-7-88)

(C) 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.

(D) 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.
(KRS 83A.050)

§ 30.11 REMOVAL FOR MISCONDUCT, INABILITY, OR NEGLIGENCE.

(A) 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 Council exclusive of any member to be removed, who shall not vote in the deliberation of his removal.

(B) No elected officer shall be removed without having been given the right to a full public hearing. The officer, if removed, shall have the right to appeal to the circuit court of the county and the appeal shall be on the record. No officer so removed shall be eligible to fill the office vacated before the expiration of the term to which originally elected.

(KRS 83A.040(6))

§ 30.12 ABOLITION OF OFFICE.

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

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

(C) 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.

(KRS 83A.080 (4))

§ 30.13 CREATION OF ELECTED OFFICES PROHIBITED.

The city may not create any elected office. Existing elected offices may be continued under provision of § 30.12, but no existing elected office may be changed.

(KRS 83A.080 (5))

§ 30.14 MAYOR.

(A) Election; term of office. The Mayor 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 or her election. His term of office shall begin on the first Monday 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 (4) 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.

(D) Failure to fill vacancy. 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 legislative meeting 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), (5))

§ 30.15 COUNCILMEN.

(A) Election; term of office. Each Councilman 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 or her election. His term of office shall begin on the tenth day of January following his election and shall be for two (2) years except as provided by § 30.10.

(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.

(C) Vacancies. (1) 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 shall be filled as provided in this section.

(2) 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))

(3) 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))

(D) 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 (3), (4), (5))

NONELECTED OFFICERS

§ 30.20 CREATION OF 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; and
- (4) Bond, if required.

(B) A city may create nonelected offices other than those referred to in division (A). For the purposes of the requirements of this section, the following shall be considered nonelected offices:

- (1) City Clerk;
- (2) City Manager;
- (3) City Administrator;
- (4) Chief of Police; and
- (5) Fire Chief, other than a volunteer Fire Chief.

(KRS 83A.080 (1), (2))

§ 30.21 APPOINTMENT AND REMOVAL.

(A) All nonelected 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.

(C) Upon removal of a nonelected 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:

Abolition of appointed office, see § 30.12

§ 30.22 REPLACEMENT OF NONELECTED OFFICERS.

(A) Should the incumbent in either of the city's nonelected offices, City Administrative Officer and City Clerk/Treasurer, die, resign, or be removed from office, the Mayor shall, within ten (10) days of any of these events, begin a search for a successor to fill the vacated nonelected city office.

(B) It shall be the duty of the Mayor to recommend to the Council a candidate to fill the vacated office within forty-five (45) days of the date the nonelected office becomes vacant, and it shall be the duty of the Council to approve or disapprove a person nominated by the Mayor to fill the vacant office within fifteen (15) days following the Mayor's recommendation.

(C) The vacancy shall be filled within a reasonable amount of time of the occurrence of the vacancy.
(Ord. 1994-13, passed 6-23-94)

§ 30.23 NONELECTIVE OFFICES.

(A) There is established within the city the following non-elective offices and the compensation to be paid to the person filling each such office shall be fixed by the City Council at its first meeting in January of each year or as soon thereafter as is practical.

- (1) City Clerk/Treasurer.
- (2) Assistant City Clerk/Treasurer.
- (3) City Administrative Officer.
- (4) Police Chief.

(5) Fire Chief. Elected by City Council but is a volunteer office for which no compensation shall be paid.

(6) City Attorney. Compensation shall be fixed by contractual agreement defining duties to be performed and compensation to be paid for any duties listed or for additional duties assigned by the Mayor.

(B) The City Council shall annually fix the compensation of each appointed city officer no later than its regular meeting in March to be retroactive to January 1.

(Ord. 81-207, passed 1-26-81)

Cross-reference:

For provisions concerning the city's personnel and pay classification plan, see § 30.46

§ 30.24 CITY ADMINISTRATIVE OFFICER.

(A) In accordance with KRS 83A.080 and KRS 83A.090, the city hereby creates the office of City Administrative Officer.

(B) Appointment and Qualification. The Mayor, with approval of City Council, shall appoint the City Administrative Officer. The Mayor may remove the City Administrative Officer at will except as otherwise provided by statute or ordinance. The City Administrative Officer shall have graduated from an accredited college or university with a degree in public administration or a closely related field supplemented by three years of progressively responsible experience in management or any combination of education, training, and abilities to perform effectively the duties of the position. The City Administrative Officer shall have: extensive knowledge of the principles and practices of contemporary public administration with emphasis on the planning, implementation, and evaluation of policies and programs; working knowledge of executive and legislative policies and procedures; ability to establish and maintain effective working relationships with employees, public and private officials, and the general public; ability to communicate effectively orally and in writing; ability to lead and manage; resourcefulness and imagination; initiative; analytical ability; sound judgment; integrity; patience; tact; and firmness.

(C) Duties and Powers. The duties and powers of the City Administrative Officer shall be as herein provided.

(1) Advise the Mayor in policy formulation on overall problems of the city;

(2) Have major responsibility for preparation and administration of operating and capital improvement budgets under direction of the Mayor;

(3) Advise the Mayor in the appointment of subordinate administrative personnel if not delegated appointment authority by appropriate order;

(4) Have continuing direct relationships with operating department heads on implementation and administration of programs;

(5) Supervise all department heads on the implementation and administration of programs.

(6) Attend regular and special meetings of the City Council;

(7) Prepare and present reports to the Mayor and City Council on the condition of the City and City business;

(8) Plan for, supervise, and evaluate all phases of municipal operations including finance and budgeting, personnel, building and zoning, parks and recreation, police protection, tax assessment and fees collection, and maintenance;

(9) Handle citizens' complaints;

(10) Serve as a liaison with other governmental and service bodies;

(11) Meet with citizens in regard to municipal services;

(12) Serve as purchasing agent;

(13) Represent the City at civic, church, school, service, and other similar organizations;

(14) Act as liaison for the City with news agencies; and

(D) Oath and Bond. No person shall be appointed or act as the City Administrative Officer unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky, and has provided a bond in the sum established by City Council, with corporate surety authorized to transact business in the Commonwealth of Kentucky and conditioned upon the performance of the duties specified herein.

(E) Compensation. The compensation of the City Administrative Officer shall be in an amount to be established by City Council by ordinance in accordance with the pay classification plan.

(Ord. 1991-318, passed 7-1-91)

§ 30.25 CITY CLERK/TREASURER.

(A) In accordance with KRS 83A.080, the city hereby creates the office of City Clerk/Treasurer.

(B) Appointment and Qualification. The Mayor, with approval of City Council, shall appoint the City Clerk/Treasurer. The Mayor may

remove the City Clerk/Treasurer at will except as otherwise provided by statute or ordinance. The City Clerk/Treasurer shall have graduated from an accredited college or university with a degree in public administration or a closely related field supplemented by three years of progressively responsible experience in management or any combination of education, training, and abilities to perform effectively the duties of the position. The City Clerk/Treasurer shall have: extensive knowledge of principles and practices of contemporary public administration with emphasis on the planning, implementation, and evaluation of policies and programs; working knowledge of executive and legislative policies and procedures; ability to establish and maintain effective working relationships with employees, public and private officials, and the general public; ability to communicate effectively orally and in writing; ability to lead and manage; resourcefulness and imagination; initiative; analytical ability; sound judgment; integrity; patience; tact; and firmness.

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

(1) Maintenance and Safekeeping of the permanent records of the City;

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

(3) Possession of the seal of the City of Williamstown;

(4) Preparation and administration of department budgets and preparation of financial reports as required;

(5) Preparation of monthly and annual financial statements and accounts payable; maintenance of ledger accounts;

(6) Reconciliation of bank statements;

(7) Direction and supervision of the collection of all city taxes and fees;

(8) Reception and issuance of receipts of all monies due the city such as property tax, franchise tax, gross receipts, occupational licenses, vehicle taxes and insurance fees;

(9) Making deposits and withdrawals of revenues for city receipts and accounts;

(10) Investing and transferring funds;

(11) Processing purchase requisitions and supplies for the city;

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

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

1. City Clerk;
2. City Treasurer;
3. City Manager;
4. City Attorney;
5. Finance Director;
6. Police Chief
7. Fire Chief; and
8. Public Works Director

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

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

(13) The performance of any other duties and responsibilities required of the City Clerk/Treasurer by statute or ordinance.

(D) Oath and Bond. No person shall be appointed or act as the City Clerk/Treasurer unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky, and has provided a bond in the sum established by the City Council, with corporate surety authorized to transact business in the Commonwealth of Kentucky and conditioned upon the performance of the duties specified herein.

(E) Compensation. The compensation of the City Clerk/Treasurer shall be in an amount to be established by City Council by ordinance and in accordance with the Pay Classification Plan.

(Ord. 1991-319, passed 7-1-91)

COMPENSATION OF OFFICERS AND EMPLOYEES

§ 30.30 ELECTED OFFICERS.

(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 election or during his term of office.

(B) The compensation of the Mayor shall be as follows:

(1) Effective January 1, 2015: \$35,500 shall be the base salary with the understanding that if a City Administrator is hired, the Mayor's salary will revert back to the previous base salary of \$29,000.

(2) Amount of compensation effective January 1, 2016 and subsequent years thereafter shall be set at a rate no greater than that stipulated by the Finance and Administration Cabinet in computing the annual increase in the consumer price index of the preceding year, in accordance with KRS 83A.075, using 2014 as the base year.

(3) The compensation of the Mayor shall be paid in equal monthly installments.

(4) The Mayor shall have health insurance from the group plan provided by and paid by the city from its annual budget.

(C) Compensation of each member of the City Council, effective January 1, 2007 is hereby fixed at the rate of \$3,000 per year, semi-annually during the first pay period of June and the first pay period of December. Amount of compensation effective January 1, 2008 and subsequent years thereafter shall be set at a rate no greater than that stipulated by the Finance and Administration Cabinet in computing the annual increase in the consumer price index of the preceding year, in accordance with KRS 83A.075, using 2006 as the base year. (Ord. No. 1993-340, passed 3-1-93; Am. Ord. 1994-25, passed 12-8-94; Am. Ord. 2002-03, passed 5-6-02; Am. Ord. 2006-10, passed 5-15-06; Am. Ord. 2014-04, passed 4-22-14)

Cross reference:

For provisions concerning the city's personnel and pay classification plan, see § 30.46

Statutory reference:

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

§ 30.31 [RESERVED.]

§ 30.32 CITY EMPLOYEES.

(A) Council shall fix the compensation of city employees in accordance with the personnel and pay classification plan which is hereby adopted by reference in § 30.46.

(B) Personnel to fill positions may be employed by executive order of the Mayor and persons so employed shall be paid compensation

at the rate provided in such order provided, however, that such compensation shall be not less than the minimum nor more than the maximum set out for such position in the pay classification plan adopted by reference in § 30.46.

(C) The Mayor by executive order shall fix the salary of each employee and will show the annual salary weekly based on a 52-week year and an hourly rate of pay based on a 40-hour week, and will further provide in the executive order whether such employee is to be paid on the basis of a weekly, bi-weekly, or semi-monthly salary or an hourly basis, and the pay period of each officer or employee.

(D) Part-time employees shall be paid at the hourly rate of the position for which employed.

(E) Each officer or employee entering the service of the city subsequent to January 1, 1987, shall be employed on a probation basis for a period of not less than 60 days and during such period such officer or employee's salary shall not exceed 90% of the maximum salary scale for the position.

(F) Employees promoted subsequent to January 1, 1987, shall be promoted on a probation basis for a period of not less than 60 days, during which period such officer or employee's compensation shall not exceed 90% of the maximum fixed for that position.

(G) In addition to the compensation provided above, the city shall contribute for each full time employee of the city, the employer's portion of the retirement fund contribution for such employee or officer in accordance with the city's contract with the Kentucky Retirement System and will further pay for such employee the premiums on a hospital insurance plan as established by the Hospital Group Insurance plan, of the city, provided however, that for those full time employees electing not to be covered by such plan adjustments to salary or wage shall be made on the anniversary date of each employee's coverage.

(Ord. 81-206, passed 1-26-81; Am. Ord. 87-269, passed 2-5-87)

§ 30.33 FEES AND COMMISSIONS.

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.

(KRS 83A.070 (3))

EMPLOYMENT POLICIES

§ 30.45 CITY TO PROVIDE EQUAL EMPLOYMENT OPPORTUNITIES; EXCEPTIONS.

(A) The City of Williamstown shall at all times provide equal employment opportunities to all persons without regard to that person's

religion, sex, age, race, color, or national origin and will further provide equal employment opportunities to any otherwise qualified individuals with disabilities.

(B) The city shall not exclude from participation in, deny the benefit of, or subject to discrimination under any program or activity including employment any person in the United States on the grounds of race, color, national origin, or sex; and it shall not discriminate on the basis of age and will adhere to the guidelines of the U.S. Age Discrimination Act of 1975, nor shall it exclude from such participation any otherwise qualified individuals with disabilities and will accord all such opportunities to any otherwise qualified individuals with disabilities as provided in Section 504 of the U.S. Rehabilitation Act of 1973 and the Americans with Disabilities Act (P.L. 101-336); nor shall it exclude from such participation any individual on the basis of that person's religion, except that any exemption from such prohibition against discrimination on the basis of religion as provided in the U.S. Civil Rights Act of 1964 or Title VII of the Act of April 11th, 1968, shall apply.

(C) In the employment of personnel by the city as between equally-qualified applicants the city may give a preference to:

(1) Qualified former employees of the city whose prior work record was satisfactory; or

(2) Applicants who maintain a permanent place of residence within the city.

(Mun. Ord. 20, passed 7-2-84)

§ 30.46 PERSONNEL AND PAY CLASSIFICATION PLAN ADOPTED BY REFERENCE.

(A) The Personnel Policies and Procedures, Compensation and Classification Plan is hereby incorporated and adopted by reference as if fully set forth herein, by the city as personnel policies and procedures governing the employment of individuals by the city. Complete copies of this Manual are available at the city building in the office of the City Clerk/Treasurer.

(Ord. 1992-328, passed 1-8-92; Am. Ord. 1996-10, passed 7-1-96; Am.

Ord. 1997-12, passed 6-2-97; Am. Ord. 1997-25, passed 9-2-97;

Am. Ord.

1998-02, passed 8-3-98; Am. Ord. 1998-08, passed 3-2-98; Am. Ord.

1998-32, passed 1-4-99; Am. Ord. 1999-26, passed 11-1-99; Am. Ord.

2001-02, passed 1-16-01; Am. Ord. 2001-03, passed 2-12-01; Am. Ord.

2001-04, passed 2-12-01; Am. Ord. 2001-16, passed 10-01-01; Am. Ord.

2001-18, passed 12-3-01; Am. Ord. 2002-09, passed 10-15-02; Am. Ord.

2002-11, passed 11-19-02; Am. Ord. 2003-03, passed 4-15-03; Am. Ord.

2003-04, passed 4-15-03; Am. Ord. 2003-07, passed 7-15-03; Am. Ord.

2003-10, passed 7-15-03; Am. Ord. 2003-12, passed 7-15-03; Am. Ord.
2004-25, passed 11-1-04; Am. Ord. 2007-01, passed 2-5-07; Am. Ord.
2007-02, passed 2-5-07; Am. Ord. 2007-08, passed 5-31-07)

Cross-reference:

Personnel policies, see Tables of Special Ordinances,
Table IX