

ORDINANCE NO. **BG2014 - 32**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2
(ADMINISTRATION), SUBCHAPTER 2-2 (BOARD
OF COMMISSIONERS) OF THE CITY OF
BOWLING GREEN CODE OF ORDINANCES TO
MAKE CHANGES RELATED TO REVISIONS IN
KENTUCKY LAW AND ADD LANGUAGE FOR
ELECTIONS OF THE BOARD OF
COMMISSIONERS

WHEREAS, House Bill (HB) 331, approved by the Kentucky General Assembly and signed by Governor Steve Beshear, effective January 1, 2015, created a new section of Kentucky Revised Statute (KRS) Chapter 81 and amended other statutes to organize Kentucky cities into two classes based on the form of government instead of the current six classes based on population; and,

WHEREAS, Bowling Green will now be a part of the Home Rule Class of cities specified in HB 331 as a city organized under the city manager plan of government in accordance with KRS 83A.150; and,

WHEREAS, previously KRS 83A.045 authorized fourth to sixth class cities to forgo conducting a primary election for the nomination of candidates to city office; and,

WHEREAS, HB 331 now authorizes any city of the Home Rule Class to adopt an ordinance to forgo conducting a primary election for the nomination of candidates to city office; and,

WHEREAS, previously, as a City of the Second Class, Bowling Green conducted nonpartisan elections with the Mayor and four (4) Commissioners elected on a city-wide basis; and,

WHEREAS, HB 331 also revised those statutes creating questions whether nonpartisan and city-wide elections apply automatically to the City; and,

WHEREAS, it is in the best interest of the City to amend its Code of Ordinances to follow the changes made in State law and to adopt the language of KRS 83A.045 authorizing the elimination of primary elections and to clarify that the City still wishes to conduct nonpartisan elections, with the

Mayor and four (4) Commissioners elected city-wide.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 2 (Administration) is hereby amended as follows:

2-1 GENERAL PROVISIONS.

2-1.01 City Classification [~~of the Second Class~~].

As of January 1, 2015, t[F]he City of Bowling Green, Kentucky, is classified as a Home Rule City and is no longer referred to as a City of the Second Class. The Home Rule Class includes any city organized under the City Manager Plan of Government.

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2-1.03 Powers of the City.

Bond issues, bond contracts, and contracts of any nature, and all laws which may be passed in the future shall be made by the City as a Home Rule Class c[C]ity [~~of the second class~~].

...

2-2 BOARD OF COMMISSIONERS.

2-2.01 Governing Body Established.

The Governing Body of the City shall consist of a Board of Commissioners provided by the laws of Kentucky for cities [~~of the second class~~] having the statutory City Manager Plan of Government. The Governing Body may be referred to as the "Board of Commissioners."

2-2.02 Powers Generally.

All powers exercised by the City of Bowling Green as a Home Rule City [~~Cities of the second class~~], or which shall hereafter be conferred upon Home Rule cities [~~them~~], shall be exercised by the Board of Commissioners in compliance with Kentucky Revised Statues [~~as the Governing Body of the City, insofar as they do not conflict with the provisions of the Statutes relating to the City Manager Plan of Government~~].

2-2.03 Title of Members; Duties Prescribed by Ordinances; Elections; Vacancies.

a. ___ Members of the Board of Commissioners shall have the title “Commissioners,” except the Mayor.

b. ___ They shall perform such duties as are prescribed by ordinances and the State Statutes.

c. All members of the Board of Commissioners shall be elected by nonpartisan elections and pursuant to the provisions of KRS 83A.045, with all members of the Board of Commissioners being elected on a city-wide basis:

1. The nonpartisan primary election for the nomination of candidates for elected city offices is hereby eliminated.

2. All candidates for elected city offices shall, in accordance with the provisions of KRS 83A.045, file their nomination papers with the Warren 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 second Tuesday in August before the day fixed by KRS Chapter 118 for holding the regular election for the office.

3. 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.

4. The election of candidates to all elected city offices shall be governed by the provisions of (1) through (4) of this Subsection and by the applicable provisions of KRS Chapter 83A and KRS Chapters 116 through 121.

5. The number of candidates equal to the number of city offices to be filled who receive the highest number of votes cast in the regular election for each city office shall be elected.

d. ___ Any vacancy in the position of Mayor or Commissioner shall be filled by the remaining Board of Commissioners within thirty (30) days of the vacancy pursuant to the Kentucky Revised Statutes.

...

2. The provisions of this Ordinance are hereby declared to be severable, and if any section,

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phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on October 21, 2014, and given final reading on November 18, 2014, and said Ordinance shall be in full force and effect as of January 1, 2015, and upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: November 18, 2014

APPROVED: Bruce Wilkerson
Mayor, Chairman of Board of Commissioners

ATTEST: Kati ShraOler
City Clerk

SPONSORED BY: Bruce Wilkerson, Mayor, 10/02/2014, 4:15 p.m.