

**CITY OF PROSPECT, KENTUCKY
ORDINANCE No. 589 SERIES 2020**

**AN ORDINANCE AMENDING AND MODIFYING CHAPTER 32.01, 32.02, 32.03, 32.20,
AND 32.21 OF THE CODE OF ORDINANCES OF THE CITY OF PROSPECT
ALLOWING FOR CHANGE OF REGULAR COUNCIL MEETINGS BY ADOPTION
OF AN ANNUAL CALENDAR AND CLARIFYING EXISTING CLAUSES**

WHEREAS, federal legal holidays from time to time require adjustment to the dates of regular Prospect City Council meetings; and

WHEREAS, the Prospect Ordinances are being reviewed for compliance with state law and for uniformity within Prospect Ordinances.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. Chapter 32 is hereby amended and modified as herein set forth with old language struck through and bracketed and new language underlined, reading as follows:

§32.01 MEMBERS; ELECTION, QUALIFICATIONS, COMPENSATION.

(A) *Election; term of office.* Each Prospect City Council ~~[m]~~Member shall be elected at-large every two years by the voters of the ~~[e]~~City of Prospect at a nonpartisan general election to be held in even ~~[odd]~~-numbered years. Terms of office begin on the first day of January following the election and shall be for two years.

(B) *Qualifications.* A Prospect City Council ~~[m]~~Member shall be at least 18 years of age, shall have been a resident of the City of Prospect for not less than the one year prior to his or her election, and shall be a ~~[qualified]~~ registered voter in the ~~[e]~~City ~~;~~ [and] The Council Member shall reside, and be a registered voter, in the ~~[e]~~City of Prospect throughout the ~~[his or her]~~ term of office. (KRS 83A.040(4))

(C) *Compensation.*

(1) Members of the Prospect City Council shall be compensated for the performance of their duties by a salary at the rate of \$100 per month.

(2) ~~[At his or her sole option, a]~~ A Council Member may, by written notification to the Prospect City Clerk, forego payment of all or part of such salary for any period of time, ~~[for which he or she is herein entitled.]~~

§32.02 VACANCIES.

(A) *Vacancies.* If one or more vacancies on the Prospect City 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 selection in order ~~[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 are filled as provided in this section. (KRS 83A.040(5))

(1) No vacancy by reason of a voluntary resignation of a member of the City Council shall occur ~~unless~~ until 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]~~ City Council occurring after the date specified in the written letter of resignation. (KRS 83A.040(7))

(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. (KRS 83A.040(8))

(B) *Failure to fill vacancies.* If for any reason, any vacancy on City 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(6))

§32.03 POWERS AND DUTIES.

(A) The legislative authority of the ~~[e]City of Prospect~~ is hereby vested in and shall be exercised by the elected Prospect City Council ~~[of the City]~~. The City Council may not perform any executive functions except those functions assigned to it by statute. (KRS 83A.130 (11))

(B) The Prospect City Council shall 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))

(C) The Prospect City Council shall provide, by ordinance, for sufficient revenue to operate the city government and shall appropriate the funds of the ~~[e]City of Prospect~~ in a budget which provides for the orderly management of ~~[e]City~~ resources. (KRS 83A.130 (12))

(D) The Prospect City Council may investigate all activities of ~~[e]City~~ government. The City Council may require any ~~[e]City~~ officer or employee to prepare and submit to it sworn statements regarding the performance of ~~[his]~~ official duties. Any statement required by the Council to be submitted or any investigation undertaken by the Council, ~~[if]~~ of 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 may review any statement before submission to the Council and to appear, personally or through ~~[his]~~ a designee, on behalf of any department, office, or agency in the course of any investigation. (KRS 83A.130 (13))

RULES OF PROCEDURE

§32.20 MAYOR AS PRESIDING OFFICER.

(A) The Mayor shall preside at meetings of the Prospect City Council. The Council may select one of its number to preside at meetings of the Council in the absence ~~[place]~~ of the Mayor. ~~[, by Municipal Order.]~~

(B) The Mayor may participate in Council proceedings, but shall not have a vote, except that ~~[he]~~ the Mayor may cast the deciding vote in case of a tie. (KRS 83A.130 (5))

§32.21 MEETINGS.

(A) The City Council shall hold its regular meetings once a month on the third Monday of each month at 7:00 p.m. based on the official time in Prospect, Kentucky ~~[then-prevailing throughout the country]~~, except in December and January of each year. In December ~~[when]~~ the regular meeting shall be the ~~[second]~~ Monday of the full week preceding December 25 at 7:00 p.m. T~~[t]~~he January meeting will be on the second Monday of the month ~~[being specifically changed]~~ in honor of Dr. Martin Luther King, Jr. ~~[Otherwise, w]~~Whenever the third Monday falls on a federal legal holiday, that regular meeting shall be held at 7:00 p.m. on the next succeeding Tuesday which is not a federal legal holiday ~~[a secular day]~~. These meeting dates may be adjusted by adoption of an annual calendar.

(1) The regular meeting place where Prospect City Council shall hold its meetings shall be the Prospect ~~[e]City~~ ~~[h]Hall~~. The City Council may, for good cause or upon determining that the Prospect ~~[e]City~~ ~~[h]Hall~~ is not available at the time and on the date herein established for regular meetings, may change the location of the meeting place to any building within the city limits which the City Council shall then determine to be suitable and available; however, the meeting shall be open to the public; and the written notice of the unavailability of the regular meeting site and of the alternate meeting site selected by the City Council shall be published at the Prospect ~~[e]City~~ ~~[h]Hall~~ at least one hour in advance of the meeting time established herein.

(2) All regular meetings of the Prospect City Council shall be open to the public.

(B) Special meetings of the Prospect City Council may be called by the Mayor or, upon written request, of a majority of the Council. 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 ~~[m]Members~~ and for compliance with KRS Chapter 61.

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

(D) The minutes of every meeting shall be signed by the ~~[person responsible for maintaining city records]~~ Prospect City Clerk as provided under §31.36 and by the officer presiding at the meeting.

(KRS 83A.130 (11))

Section 2. This Ordinance shall take effect from and after its passage, signing and publication as required by law.

First Reading this 15th day of June, 2020.

Second Reading this 20th **day of** July, 2020.

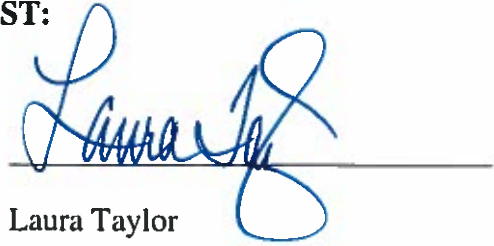
“Aye” votes: 6
“Nay” votes: 0

APPROVED:

A handwritten signature in blue ink, appearing to read "John E. Evans", written over a horizontal line.

John E. Evans
Mayor, City of Prospect

ATTEST:

A handwritten signature in blue ink, appearing to read "Laura Taylor", written over a horizontal line.

Laura Taylor
City Clerk