

**CITY OF PROSPECT, KENTUCKY  
ORDINANCE No. 590 SERIES 2020**

**AN ORDINANCE AMENDING AND MODIFYING CHAPTER 31.21 (A) TO (F)  
OF THE CODE OF ORDINANCES OF THE CITY OF PROSPECT  
INDICATING THE PROSPECT MAYOR'S EXECUTIVE POSITION IS FULL-TIME  
AND IS COMPENSATED COMMENSURATELY**

**WHEREAS**, the Mayor of Prospect is responsible for day-to-day operations as the full-time chief executive officer of the City and receives commensurate compensation; and

**WHEREAS**, the compensation of the Mayor is be determined by the Prospect City Council, 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 31.21 is hereby amended and modified as herein set forth with old language struck through and bracketed and new language underlined, reading as follows:

**§31.21 MAYOR**

(A) *Election; term of office.* The Mayor of ~~[this city]~~ the City of Prospect shall be elected by the voters of the ~~[e]City of Prospect~~ at a regular election. The Mayor's ~~[his]~~ term of office begins on the first day of January following the ~~[his]~~ election and shall be for four years and until ~~[his]~~ a successor qualifies. If a person is elected or appointed as Mayor in response to a vacancy, and serves less than four calendar years, then that period of service shall not be considered for purposes of re-election to a term of office.

(B) *Qualifications.* The Mayor of the City of Prospect shall be at least 21 years of age, shall be a ~~[qualified]~~ registered voter in the ~~[e]City of Prospect[;]~~ for not less than one year prior to the election, ~~[and]~~ shall reside in the ~~[e]City of Prospect and be a registered voter throughout [his or her]~~ the Mayor's term of office. Candidates shall be subject to all other applicable election laws, such as KRS 83A.045. The Mayor shall be bonded as required by KRS 62.050, 62.060, 65.067.

(C) *Vacancy.* If a vacancy occurs in the office of Mayor, the Prospect City Council shall fill the vacancy within 30 days. 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. (KRS 83A.040 (1), (2), (6))

(1) When voting to fill a vacancy in the office of Mayor, ~~[a]~~ members of the City Council shall not vote for ~~[himself]~~ themselves. (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]~~ for the 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 Prospect 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))

(4) If a vacancy occurs in the office of Mayor, which is required by law to be filled temporarily by appointment, the Prospect 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(2)(d))

(D) *Powers and duties.*

(1) The executive authority of the [e]City of Prospect is hereby vested in and shall be exercised by the Mayor. The Mayor shall enforce the Mayor-Council Plan, [e]City ordinances and orders, and all applicable statutes. The Mayor [He] shall supervise all departments of city government and the conduct of all city officers and employees under [his] administrative jurisdiction and require each department to make reports [to him] as required by ordinance or as [he deems] deemed desirable.

(2) The Mayor is the chief executive officer of the City of Prospect whose principal function is to oversee the management of the City's daily affairs. The Mayor's position is a full time, executive position and shall be the incumbent's primary employment, devoting full time and attention to the performance of the duties incident to the executive position, and any outside employment shall not affect the Mayor's ability to fulfill the normal daily duties and responsibilities to the City of Prospect.

(3)[(2)] In addition, the Mayor [shall] is encouraged to maintain liaison with related units of local government respecting interlocal contracting and joint activities and to attend and participate as a representative of the City of Prospect at various events and meetings which often take place outside of normal working hours. These include, but are not limited to, meetings of organizations, committee meetings, and commissions which advance the interests of the City of Prospect.

(4)[(3)] The Mayor shall report to the Prospect City Council and to the public on the condition and needs of city government as [he] the Mayor finds appropriate, or as required by ordinance, but not less than annually, or to the City Council in its investigative role. [He] The Mayor shall make any recommendations for actions by the Council [he] the Mayor finds in the public interest. (KRS 83A.130(3), (13))

(5)[(4)] Subject to disapproval of the Council, the Mayor shall promulgate procedures with statutes or ordinances. Upon promulgation or upon revision or rescission of the procedures, copies shall be filed with the City Clerk [person responsible for maintaining city records]. (KRS 83A.130(4))

(6)[(5)] Any significant delegation of the Mayor's power, duties, or responsibilities to subordinate officers and employees and any expression of [his] official authority to fulfill executive functions shall be made by executive order. Executive orders shall be sequentially numbered by years and kept in a permanent file. (KRS 83A.130(7))

(7)[(6)] All bonds, notes, contracts, and written obligations of the [e]City shall be made and executed by the Mayor or [his] the agent designated by executive order. (KRS 83A.130(8))

~~(8)~~~~(7)~~ The Mayor shall be the appointing authority with power to appoint and remove all city employees, including police officers, except as tenure and terms of employment are protected by statute, ordinance, or contract and except for employees of the Council. (KRS 83A.130(9))

~~(9)~~~~(8)~~ The Mayor shall provide for the orderly continuation of the functions of city government at any time ~~[he]~~ the Mayor is unable to attend to the duties of ~~[his]~~ office by delegating responsibility for any function to be performed, in accordance with ~~[division]~~ ~~(D)~~~~(5)~~~~(6)~~ above. However, the Mayor may not delegate the responsibility of presiding at meetings of the Council, and the authority to approve ordinances or promulgate administrative procedures may only be delegated to an elected officer. With approval of the Council, the Mayor may rescind any action taken in ~~[his]~~ the Mayor's absence under this section within 30 days of such action. If for any reason the disability of the Mayor to attend to ~~[his]~~ duties persists for 60 consecutive days, the office of Mayor may be declared vacant by a majority vote of the Council and the provisions of § 31.21(C) shall apply. (KRS 83A.130(10))

(E) *Compensation.*

(1) Through December 31, 2018, the Mayor shall be compensated for his performance of his duties by a salary in the annual amount not to exceed \$42,000 in 2006 dollars and such amount shall be adjusted annually, beginning in the 2006-2007 fiscal year, based on the formula established by KRS 83A.075 and as computed annually by the Kentucky Department for Local Government.

(2) Effective January 1, 2019, the Mayor shall be compensated for ~~[his]~~ the performance of ~~[his]~~ duties in the annual amount of \$72,930.15 in 2018 dollars and such amount shall be adjusted annually, beginning in the 2019-2020 fiscal year, based on the formula established by KRS 83A.075 and as computed annually by the Kentucky Department of Local Government.

(3) Effective January 1, 2023, the Mayor shall be compensated in the annual amount designated in the 2022-2023 Prospect annual budget and such amount may be increased annually, beginning in the 2023-2024 fiscal year, based on employee salary increases determined by the Prospect City Council for the succeeding fiscal year, not to exceed the percentage of any annual raise given to the majority of other Prospect employees.

~~[(3)](4)~~ ~~[At his or her sole option, the]~~ The Mayor may, by written notification to the City Clerk, forego payment of all or part of such salary for any period of time for which ~~[he or she]~~ the Mayor is herein entitled.

(F) *Benefits and allowances.* The Mayor, working full-time for the City of Prospect, shall be eligible to receive any benefit to which full-time, permanent employees of the ~~[e]~~City are entitled. ~~[to receive as if the Mayor were a full-time, permanent employee of the city. The Mayor shall be entitled to receive automobile allowance, in an amount determined by the Council, commensurate with the executive position which the Mayor holds.]~~ Provided, however, nothing in this section shall be deemed to be compensation to the Mayor for the performance of the duties of said office.

**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 20<sup>th</sup> day of July, 2020.

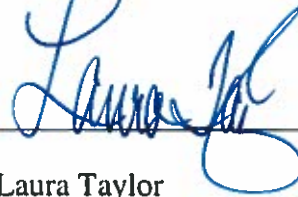
"Aye" votes: 6  
"Nay" votes: 0

APPROVED



John E. Evans  
Mayor, City of Prospect

ATTEST:



Laura Taylor  
City Clerk