

COMMONWEALTH OF KENTUCKY  
CITY OF LONDON  
ORDINANCE NO. 2021-13

**AN ORDINANCE ESTABLISHING THE OFFICE OF CITY CLERK AS A NON-ELECTED APPOINTED POSITION, OATH OF OFFICE, BOND REQUIREMENT, RESPONSIBILITIES AND DUTIES, TAX COLLECTION, DUTIES OF CITY CLERK AS HUMAN RESOURCE OFFICER, CITY FINANCE OFFICER AND CITY TREASURER AND BUDGET RESPONSIBILITIES, RESIDENCY REQUIREMENT AND PROCEDURE FOR REMOVAL FROM OFFICE, KRS 13B HEARING AND APPEAL**

Even though the Office of the City Clerk has, *in fact*, existed for years in the City of London, Kentucky, for many years as evidenced by Ordinance No. 348 (1948) and Ordinance No. 737 (1983), it does not appear that those Ordinances are current or in keeping with the requirements of Kentucky law. The City of London endeavors to update its Personnel Policies and Ordinances, as a part of this process and because no Ordinances otherwise address the establishment of the Office of City Clerk or the responsibilities thereof and other matters, the City Council of the City of London wishes to establish this Ordinance. The City Clerk is the bridge between the Mayor and the City Council and between the City of London government and the public. Pursuant to Kentucky law, particularly Kentucky Revised Statute (“KRS”) 83A.080 and other applicable law, the City Council and Mayor do hereby enact the following Ordinance:

*BE IT ORDAINED BY THE CITY OF LONDON* as follows:

- (1) Notwithstanding the previously mentioned Ordinances or any other Ordinances to the contrary, any previously enacted Ordinances in conflict with this Ordinance be and are hereby repealed.
- (2) As required and pursuant to KRS 83A.080, KRS 83A.085 and other applicable Kentucky law, the Title and the Office of London City Clerk/Finance Officer/City Treasurer and Human Resource Officer be and is hereby established. The Office of the London City Clerk is designated as an appointed, non-elected position in keeping with Kentucky laws and for an indefinite period of time. The City Clerk shall take the Oath of Office of Section 228 of the Kentucky Constitution.
- (3) The duties and responsibilities of the Office of London City Clerk, in keeping with KRS 83A.085 shall include, but are not limited to:
  - (A) Maintenance and safekeeping of the permanent records of the City of London;
  - (B) Performance of the duties required as the “official custodian” or “custodian” of all City Records;
  - (C) Possession of the seal of the City of London;
  - (D) No later than January 31 of each year, mail or electronically mail to the Governor’s Office for Local Government a list containing current city information including but not limited to the following:
    - (1) The correct name, telephone number and electronic mail address of the Mayor, City Council members, and the name, telephone number and electronic mail address of the following appointed members who are serving as of January 1 of each year:
      - a. City Clerk
      - b. City Treasurer, Chief Financial Officer or Director of Finance

- c. City Attorney
- d. Human Resources Director
- e. Risk Manager
- f. Information technology manager
- g. Public Relations or Communication Director
- h. Police Chief
- i. Fire Chief
- j. Public Works Director
- k. Building Inspector
- l. Planning and Zoning Administrator
- m. Superintendent of London Utility Commission
- n. Director of City of London Tourism

(2) The correct name of the City, mailing address for City Hall (Office of the City Clerk) and telephone number of City Clerk (City Hall).

(3) The name and phone 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 4:00 p.m., and (E) Performance of all other duties and responsibilities required of the City Clerk by statute or Ordinance.

(4) The City Clerk shall be a resident of the City of London, Kentucky for not less than one (1) year prior to appointment to the position.

(5) The City Clerk shall have the legal responsibility to publish various legal advertisements and provide legal notices as required by KRS 424.150(2)(b) and other provisions of the Kentucky Revised Statutes or other City of London Ordinances.

(6) The City Clerk shall be responsible for the publication of all City Ordinances as required by Kentucky.

(7) The City Clerk shall be responsible for the publication of all agendas for meetings of the City of London Council and for distribution of the Agenda to the Mayor and all Council members. The City Clerk shall maintain a record of the Council meetings by recording minutes of the same and of making the minutes available for public inspection following approval of the minutes by the City Council (KRS 61.835).

(8) The City Clerk may delegate duties and responsibilities pursuant to this Ordinance to staff within the Office of City Clerk; the City Clerk duties also include, but are not limited to issuing licenses and permits, bookkeeping, depositing and accounting of licenses, permits, fees and other charges; personnel and financial administration, receiving and handling of complaints, performing delegated personnel functions including Human Resources, handling records management systems, conducting business with other city, county, state and federal agencies as directed, providing information to the City Attorney as requested, and to mail or otherwise distribute notices of taxes to taxpayers and to collect City related taxes established by statute or Ordinances.

(9) It is recognized herein that the London Utility Commission ("LUC") gives notice of bills owed to users of water, sewer and garbage services provided by the City, and collects payments of the same maintain their own budget, financial bookkeeping and payment of bills and that

the same is separate and not included within the duties and responsibilities of the City Clerk. The LUC maintains its own record of meetings, prepare and distribute their own agendas, maintain their own budget, financial bookkeeping, pay their own bills, maintain their own bank accounts and responds to any Open Records Requests.

(10) It is further recognized that the City Clerk collects restaurant taxes pursuant to the City of London Ordinances and provides those with other information to the London Tourism and Convention Commission ("London Tourism"); however, London Tourism maintains their record of meetings, prepare and distribute their own agendas, maintain their own budget, financial bookkeeping, pay their own bills, maintain their own bank accounts and responds to any Open Records Requests.

(11) It is also recognized that the City of London Zoning and Planning Commission and the City of London Board of Zoning Adjustment publish their own agenda, record their own record of minutes of meetings and respond to any Open Records Requests.

(12) Pursuant to KRS 65.067, the City Clerk and any staff under the supervision of the City Clerk who handles public money, must give good and sufficient bond. This bond is to be based on the maximum amount of public funds the Clerk or staff handles at any given time during the fiscal year. The City Clerk is responsible to make payments of bills, as approved by the Council and/or Mayor in keeping with the Clerk's requirements of documentation for such payments. The City Clerk has the responsibilities as the director of finance within the City of London.

(13) The City Clerk has the duties and responsibilities of the treasurer of city funds.

(14) In keeping with KRS 83A.080(3), the City Clerk shall not be removed from office without having been provided a written statement from the Mayor giving good cause for the removal and a statement of all reasons supporting the removal of that person from the Office of City Clerk, including dates and times of the occurrences in the statement of reasons. The written reasons and statement of reasons given by the Mayor shall be provided to the City Clerk in writing; the reasons constituting good cause for the removal shall be limited to:

- a. inefficiency, incompetency, neglect of duty, violation of State or Federal law, conviction of a felony crime in either state or federal court, or insubordination.
- b. Any claims of insubordination, neglect of duty, inefficiency or incompetency shall be supported by a written record of the actions of the City Clerk upon which charge is based by the Mayor supporting such statement.
- c. Within fifteen (15) calendar days of the delivery of statement of reasons from the Mayor, the City Clerk may make a written request for a hearing.
- d. The hearing shall be an administrative hearing following the requirements of KRS Chapter 13B. The hearing officer shall be one trained in the conduct of hearings pursuant to KRS Chapter 13B. The Hearing Officer shall set the date, place and time of the hearing and may set other dates and times for PreHearing or other conferences which may be conducted in person, by phone or electronically by use of technology.
- e. A record shall be made of the hearing. The City Clerk may request that the hearing be a public or private hearing in keeping with KRS 61.810. The City Clerk shall have the right to make an appeal to the Laurel Circuit Court. A review of the final order of the

Hearing Officer shall be conducted by the Circuit Court as required by KRS Chapter 13B.150.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the Ordinance as a whole, or any portion thereof, other than the section so declared to be unconstitutional or invalid.

This Ordinance shall be effective immediately upon publication in accordance with the applicable provisions of Kentucky law. Any Ordinances or part of Ordinances in conflict herewith are hereby repealed.

Attested:

  
Marcy Berry, City Clerk

  
Troy Rudder, Mayor

First Reading: December 6, 2021

Second Reading: January 3, 2022

Publication Date: January 19, 2022