

ORDINANCE NO. 2, 2018

AN ORDINANCE OF THE CITY OF PARK HILLS, IN KENTON COUNTY, KENTUCKY, TO ESTABLISH A PROCEDURE FOR THE FILLING OF VACANCIES IN THE OFFICES OF MAYOR AND/OR COUNCIL MEMBER

WHEREAS, KRS §83A.040 governs the filling of vacancies by appointment in the offices of Mayor and/or council member; and

WHEREAS, under KRS §83A.040, if a vacancy occurs in the office of the Mayor or council member, the remaining members of the legislative body are required to fill the vacancy by appointment within 30 days; and

WHEREAS, the City Council desires to establish a procedure for the filling of vacancies that respects the democratic process and considers the will of the voters.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, AS FOLLOWS:

SECTION I

A new §30.021 “MAYOR AND/OR COUNCIL VACANCY PROCEDURE” shall state as follows:

Effective January 1, 2019, the filling of vacancies in the offices of the Mayor and/or council member shall be conducted pursuant to the following provisions.

(A) Upon the occurrence of a vacancy in the offices of the Mayor and/or council member, the City Clerk shall promptly publish notice of the vacancy. The publication shall comply with KRS 424 and shall also include a request that interested candidates submit an application to fill the vacancy. The application shall consist of a signed, written letter to the City Clerk expressing the candidate’s interest in filling the vacancy.

(B) The City Council shall follow the following procedures to fill a vacancy in the office of council member:

- (1) The City Council and Mayor shall offer all persons who submitted applications to fill the vacancy up to five minutes to address City Council at a public meeting held to fill a vacancy in the office of council member.
- (2) The City Council shall follow the following procedure when voting to fill a vacancy in the office of council member:
 - (a) If a candidate ran in the preceding regular election, the City Council shall vote on such candidate first. If more than one candidate ran in the preceding election, the City Council shall vote on the candidate who received the most votes of

the unsuccessful candidates in the preceding regular election.

- (b) If a candidate is not selected pursuant to subsection (2)(a) above, the City Council may vote on any remaining candidates. No preference shall be given to a candidate based on when the candidate expressed his/her intent to apply for the vacancy.

(C) The procedure set forth in Section (B) shall not apply to the filling of a vacancy in the office of the Mayor. With the exception of the procedures set forth Section (A) and in the Kentucky Revised Statutes, the City Council is not bound by any procedure with respect to the filling of a vacancy in the office of the Mayor.

SECTION II

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION III


If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION IV

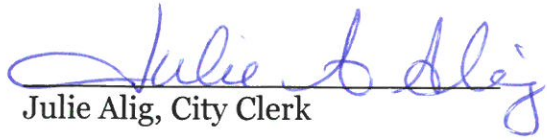
That this ordinance shall become effective January 1, 2019, and shall be published under KRS §83A.060(9) and other applicable law.

Passed by City Council on 2/12, 2018.

CITY OF PARK HILLS, KENTUCKY

By: 
Matthew Mattone, Mayor

ATTEST:


Julie Alig, City Clerk

FIRST READING: 1/8/18

SECOND READING: 2/12/18

PUBLICATION: _____