

Powers and Duties of the Legislative Body:

The "legislative authority of the city shall be vested in and exercised by the elected council of the city." KRS 83A.130(11). City councils may not perform any executive or administrative function, unless specifically authorized by statute. KRS 83A.130(11). For instance, council members may not supervise the day-to-day operations of city government or exercise supervisory authority over city employees.

NOTE: Although the city council and individual council members may not supervise city employees who are under the executive authority of the mayor, the council may have its own employees. These employees may be supervised as determined by the council. The mayor has the power to hire and supervise all city employees "except for employees of the council." KRS 83A.130(9). This statute clearly envisions that a city council may hire its own employees to assist it and its individual members in performing its legislative, investigative, or other legal functions. If the council hires its own employees, it may do so in whatever manner it decides. However, salaries must be properly appropriated within the budget, and if a new city employment position is being created, it must be added to the city's personnel and pay classification plan.

KRS 83A.130 and other sections in KRS Chapter 83A set forth the specific powers and authorities of the city council as follows:

- a. Establish, by ordinance, all appointed offices and the duties and responsibilities of those offices. KRS 83A.130(12).
- b. Enact all codes, rules, and regulations for the general public's health, safety and welfare. KRS 83A.130(12).
- c. Provide sufficient revenues to operate city government through the adoption of an annual budget ordinance and by levying all taxes and establishing all fees and charges for city services. KRS 83A.130(12).
- d. Establish, by ordinance, the compensation to be paid to all elected and appointed officers and employees of the city. KRS 83A.070(1), (2).

e. May investigate all activities of city government and may require any city officer or employee to prepare and submit sworn statements regarding the performance of his or her official duties. If an office, department or agency under the jurisdiction of the mayor is involved, written notice of the council's action must be provided to the mayor, who then has the right to review any statement before its submission to the council, and to appear on behalf of the office, department or agency in the course of the investigation. KRS 83A.130(13).

f. May disapprove regulations promulgated by the mayor. KRS 83A.130(4).

g. May override mayoral vetoes by the affirmative vote of one more than a majority of the membership of the entire council. If the council wishes to override a veto, it must do so by the second regular meeting following the return of the ordinance. KRS 83A.130(6).

h. Shall appoint a new mayor or council member if a vacancy occurs in the office within 30 days of the vacancy. KRS 83A.040(2)(a).

i. May remove elected officers for misconduct, incapacity, or willful neglect of office. KRS 83A.040(9).

j. May change the manner of electing city officers by adopting the nonpartisan primary election process. KRS 83A.050(2). No change may be made earlier than five years from the last change. KRS 83A.050(2).

k. May divide the city into wards for the purpose of electing council members. KRS 83A.100.

l. Approve the appointment of nonelected city officers. KRS 83A.080(3).

m. May call special meetings, upon written request of a majority of the council. KRS 83A.130(11).