

**COMPREHENSIVE PLAN FOR THE CREATION OF THE
PADUCAH/McCRACKEN COUNTY GOVERNMENT**

Article 1. Name and Boundaries

Section 1.01 Creation.

There is created a charter county government under KRS 67.825 to 67.875, which shall assume the governmental and corporate functions of the city of Paducah, Kentucky, and of McCracken County, Kentucky.

Section 1.02 Name.

The official name of the charter county government shall be “Paducah/McCracken County Government.” The official name shall apply to the charter county government structure only and shall not supersede the names of Paducah and McCracken as community designations and locations.

Section 1.03 Boundaries.

The Charter Government shall have jurisdiction throughout the total area within the official boundaries of McCracken County, Kentucky, on the effective date of this Charter.

Article 2. General Provisions

Section 2.01 Definitions.

As used in this Charter:

- (1) “Charter Government” means the charter county government created by Article 1 of this Charter.
- (2) “Charter Council” or “Council” means the legislative body created by Article 4 of this Charter.
- (3) “Charter” means this comprehensive plan for the formation of a charter county government by merging the governments of the city of Paducah and McCracken County, Kentucky, under KRS 67.830.
- (4) “Charter County Executive” or “CCE” means the person elected to serve as Charter County Executive of the Charter Government and chair of the Charter Council under Articles 3 and 4 of the Charter.
- (5) “City” means the City of Paducah, Kentucky.

- (6) “Council Member” means a person elected to serve on the Charter Council as a district or at-large member and the Charter County Executive.
- (7) “County” means McCracken County, Kentucky.
- (8) “Governor” means the Governor of the Commonwealth of Kentucky.
- (9) “Transition Plan” means a recommended comprehensive plan for the integration of the structures, functions, and services of the city and county governments.

Section 2.02 Powers of the Charter Government.

In accordance with KRS 67.850, the Charter Government may exercise the constitutional and statutory rights, powers, privileges, immunities, and responsibilities of a county and of cities of the second class, effective as of this date and those that may be subsequently authorized.

Section 2.03 Construction.

The powers of the Charter County Government shall be construed liberally in favor of the Charter County Government, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted in this Article.

Section 2.04 Intergovernmental Relations.

The Charter County Government may exercise any of its powers or perform any of its functions and may participate, jointly or in cooperation, by contract or otherwise, with any one or more states or any state civil division or agency, or the United States or any of its agencies.

Article 3. Chief Executive

Section 3.01 General Provisions.

- (1) The office of Charter County Executive of the Charter Government is created. All executive and administrative powers of the Charter Government are vested in the Charter County Executive and the departments, offices, agencies, boards, commissions and authorities continued or created by or under the authority of this Article and Articles 6 and 9 of this Charter.
- (2) The Charter County Executive shall serve as county judge/executive for purposes of the Constitution and the general statutes of the Commonwealth of Kentucky relating to that office.

Section 3.02 Qualifications, Term of Office and Election.

- (1) No person shall be eligible to serve as Charter County Executive unless he or she is at least twenty-four (24) years of age, is a citizen of the United States of America as of the filing date for office, has been a resident of the Commonwealth of Kentucky for a period of at least two

(2) years immediately preceding his or her election, and has been a resident of McCracken County for a period of at least one (1) year immediately preceding his or her election and continues to reside in the County during the duration of his/her term of office.

(2) The CCE shall be elected for a term of four (4) years by the registered voters of the entire Charter County at a regular election as provided for in the general statutes of the Commonwealth of Kentucky as set forth in Article 10 herein. The CCE shall be ineligible to serve as CCE after expiration of a third four year term for which he/she shall have been elected. If a person is elected or appointed as CCE in response to a vacancy and serves less than four (4) calendar years, then that period of service shall not be considered for purposes of eligibility for re-election to a term of office.

Section 3.03 General Powers and Duties.

(1) The CCE shall have the powers and duties of a county judge/executive under the general statutes of the Commonwealth of Kentucky unless expressly provided otherwise in this Charter.

(2) The CCE shall supervise the administration of all departments created or authorized by this Charter.

(3) The CCE shall appoint all department heads, with confirmation by the Council.

(4) The CCE shall prepare and submit to the Council.

(a) The proposed annual operating and capital budgets as provided in Article 11 of this Charter; and

(b) An annual written report on the state of the Charter Government to be presented at a public meeting of the Council at the same time the proposed budgets are presented.

(5) The CCE (or the Deputy Executive Officer, if granted such authority by the CCE) shall sign all written contracts or obligations of the Charter Government and oversee all capital improvement projects authorized by ordinance.

(6) The Charter County Executive shall serve as chairperson of the Council. In that capacity, the CCE:

(a) Shall prepare the agenda for each meeting of the Council, subject to Article 4 of this Charter;

(b) May vote on all matters before the Council; and

(c) May call special meetings of the Council as provided in Article 4 of this Charter.

Section 3.04 Compensation.

The CCE’s salary shall be determined by the Council based upon consideration of compensation payable to the chief executives of local governments of similar size and complexity; provided, however, the total compensation shall not be less than the salary of a county judge/executive under the Constitution and general statutes.

Section 3.05 Vacancy.

A vacancy in the office of the Charter County Executive shall be filled by election or appointment in the manner provided by the Constitution and general statutes for filling a vacancy in the office of county judge/executive. If a vacancy in the office must be filled by appointment, the appointment shall be made by the Governor.

Section 3.06 Deputy Executive Officer.

The Charter County Executive may appoint a deputy, with confirmation by the Council, to provide professional assistance in the administration of the Charter Government. The deputy shall serve at the pleasure of the Charter County Executive and shall be exempt from any merit system established in Article 7 of this Charter.

Article 4. Charter Council

Section 4.01 General Provisions.

The legislative powers of the Charter Government are vested in the Charter Council, which is created.

Section 4.02 Composition.

- (1) The Charter Council shall consist of the Charter County Executive and twelve (12) council members including:
- (2) Nine (9) members elected from districts established under Article 10 of this Charter and referred to as “district council members”; and
- (3) Three (3) members elected by the qualified voters of the entire charter county and referred to as “at-large council members”. The at-large council members shall be county commissioners for purposes of the Constitution Section 144.
- (4) The CCE shall serve as chair and presiding officer of the Council.

Section 4.03 Qualifications and Terms.

- (1) No person shall be eligible to serve as an at-large Council member unless he or she:

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- (a) Is a citizen of the United States of America as of the filing date for office;
 - (b) Is at least twenty-four (24) years of age;
 - (c) Has been a resident of the county for at least one (1) year immediately preceding his or her election and continues to reside in the County during the duration of his/her term of office; and
 - (d) Has been a resident of the Commonwealth of Kentucky for a period of at least two (2) years immediately preceding his or her election.
- (2) Of the three (3) at-large members elected to the Council:
- (a) One (1) shall be a resident of the area composed by Council districts 1, 2 and 3 and shall have resided in that area for at least one (1) year immediately preceding his or her election.
 - (b) One (1) shall be a resident of the area composed by Council districts 4, 5 and 6 and shall have resided in that area for at least one (1) year immediately preceding his or her election.
 - (c) One (1) shall be a resident of the area composed by Council districts 7, 8 and 9 and shall have resided in that area for at least one (1) year immediately preceding his or her election.
- (3) No person shall be eligible to serve as a district Council member unless he or she:
- (a) Is a citizen of the United States of America as of the filing date for office;
 - (b) Is at least twenty-one (21) years of age;
 - (c) Has resided in the county and in the area encompassed by the district from which he or she is elected for a period of at least one (1) year immediately preceding his or her election and continues to reside in the district during the duration of his/her term of office; and
 - (d) Has been a resident of the Commonwealth of Kentucky for at least two (2) years immediately preceding his or her election.
- (4) District and At-large Council members shall serve for terms of four (4) years (subject to the provisions of Section 14.03(3) herein). A Council member shall be ineligible to serve as a District or At-Large Council member, as the case may be, after expiration of a third term for which he/she has been elected. If a person is elected or appointed as a District or At-Large Council member in response to a vacancy and serves less than four (4) calendar years, then that period of service shall not be considered for purposes of eligibility for re-election to a term of office.

Section 4.04 Compensation.

The Council shall establish the compensation of the at-large and district Council members in accordance with and within the limits established by the Kentucky Constitution and general statutes concerning the compensation of magistrates.

Section 4.05 Vacancies.

- (1) A vacancy in the office of at-large Council member shall be filled by election or appointment in the manner provided by the Constitution and general statutes for filling a vacancy in the office of county commissioner or magistrate. If a vacancy must be filled by appointment, the appointment shall be made by the Governor.
- (2) A vacancy in the office of district Council member shall be filled by the remaining members of the council in accordance with KRS 83A.040(5) and (6). If vacancies occur in a way that all seats on the Council become vacant, the Governor shall appoint a sufficient number of qualified people to constitute a quorum and the Council shall fill the remaining vacancies. If any vacancy in a district Council seat is not filled within thirty (30) days after it occurs, the Governor shall promptly fill the vacancy.

Section 4.06 Meetings and Official Action.

- (1) The At-Large Council member that receives the most votes in the preceding election of the at-large Council members shall serve as Vice-chair of the Council. In the absence of the CCE, the Vice-chair of the Council shall preside over meetings of the Council.
- (2) The presiding officer shall determine the agenda for Council meetings. Any two (2) members may add an item or items to an agenda in advance of the meeting by notifying the presiding officer and other Council members in writing at least three (3) working days before the meeting. The Council may add an item or items to any meeting agenda during the meeting by majority vote.
- (3) A majority of the members of the Council shall constitute a quorum. Except as otherwise provided in this Charter, official action of the Council shall be by vote of a majority of members present at the meeting.
- (4) Official action by the Council shall be by the adoption of ordinances and resolutions as specified in KRS 67.855. An ordinance shall be reasonable and appropriate for the population density of each of the areas to which it applies.
- (5) Voting shall be by roll call. The votes of the individual members shall be recorded in the official record of the Council.
- (6) Meetings of the Council shall comply with the Kentucky Open Meetings Law, KRS 61.800 to 61.850.

- (7) Subject to this Charter, the Council shall determine its own rules of procedure.
- (8) The Council shall provide for keeping a record of its proceedings, which shall be a public record.

Section 4.07 Powers.

The Council shall have the power to act legislatively with respect to all matters that are within the powers of the Charter Government. Legislative powers shall include, without being limited to, the power to:

- (1) Review and amend the proposed budgets of, and appropriate money to, the Charter Government and the departments, officers, boards, authorities and commissions continued by this Charter or created by or under the authority of this Charter;
- (2) Levy taxes and fees, subject to the limitations of this Charter and the laws of the Commonwealth of Kentucky;
- (3) Establish public policy for the area encompassed by the Charter Government;
- (4) Make investigations into the affairs of the Charter Government and the conduct of any of its departments, officers, boards, authorities or commissions. For this purpose, the Council may subpoena witnesses, administer oaths, take testimony, and require the production of evidence under penalty established by the Council.

Section 4.08 Council Staff.

Within the limits of available funds, the Council may employ, by contract or otherwise, a clerk, an attorney, and other employees or consultants necessary to assist the Council as a whole in the performance of its duties.

Article 5. County Constitutional Officer

Section 5.01 County Judge/Executive.

The Charter County Executive of the Charter Government shall serve as the County Judge/Executive for McCracken County, as required by Section 144 of the Kentucky Constitution.

Section 5.02 Fiscal Court.

The Charter County Executive and the three (3) at-large Council members shall constitute the Fiscal Court for McCracken County, as required under Section 144 of the Kentucky Constitution. The Fiscal Court is hereby deprived of the power to levy taxes, approve or disapprove ordinances or otherwise administer the governmental affairs of the merged government. These powers are vested in the Charter County Government.

Section 5.03 Other Constitutional Officers.

(1) The following Constitutional officers shall be elected for McCracken County and shall serve as officers of the Charter Government.

- (a) County Clerk;
- (b) County Attorney;
- (c) Sheriff;
- (d) Jailer;
- (e) Coroner;
- (f) Surveyor;
- (g) Constable; and
- (h) Justice of the Peace

(2) A candidate for an office listed in Section 5.03 of this Article shall possess the same qualifications as required for a candidate pursuant to Section 100 of the Kentucky Constitution.

(3) County officers specified in Section 5.03(a) through (e) shall:

(a) Submit an annual budget to be approved by the Charter Council in accordance with Section 11.04(a) of this Charter;

(b) Promulgate policies and procedures for the conduct of their offices through ordinances adopted by the Council; and

(c) Employ personnel in accordance with the provisions of Article 7 of this Charter.

Section 5.04 Sheriff.

(1) The sheriff shall be responsible for tax collection, courthouse security, the provision of court services, process serving, election responsibilities and other duties prescribed by law.

(2) The sheriff shall also be responsible for providing general law enforcement in the General Services District and any Partial Services District subsequently created pursuant to the provisions of Section 8.03 herein. The sheriff and any deputy are authorized to take such actions as necessary to enforce the law and protect the public throughout the entire county.

Section 5.05 County Police Department.

The Charter Government shall organize and operate a County Police Department whose primary function is to provide general law enforcement in the Full Services District and any Partial Services District subsequently created pursuant to Section 8.03 herein for the purpose of obtaining law enforcement services to be provided by the County Police Force. The Chief of the County Police Department shall be appointed by the CCE and confirmed by the Council. The Chief shall be professionally trained and experienced in police work and law enforcement. The Chief shall establish minimum standards for county police officers engaging in law enforcement functions. A County Police Officer shall be authorized to take such actions as necessary to enforce the law and protect the public throughout the entire county.

Section 5.06 Justice of the Peace.

There shall be three (3) Justices of the Peace. One (1) Justice of the Peace shall be elected from a district consisting of Council districts 1, 2 and 3; one (1) Justice of the Peace shall be elected from a district consisting of Council districts 4, 5 and 6; and one (1) shall be elected from a district consisting of Council districts 7, 8 and 9. The Justices of the Peace may perform any duties authorized by the state law. The Justices of the Peace shall receive no compensation from the Charter County Government.

Section 5.07 Constable.

There shall be three (3) Constables as provided by the Kentucky Constitution.

Article 6. Departments, Offices and Agencies

Section 6.01 Organizational Structure.

- (1) The Council may create and establish departments in addition to any created by this Charter and may prescribe the functions of those departments.
- (2) Major departments and their services may include, but not be limited to: administrative services, law enforcement, fire protection, EMS, public works, and community services.

Section 6.02 Departmental Authority.

- (1) All departments of the Charter Government shall operate in accordance with state laws and regulations and the Administrative Code adopted by the Council under Article 4 of this Charter. The Administrative Code, as written and approved by the Council, shall set forth the operating rules and regulations of the government, and shall be subject to change when approved by a majority of the Council. This Code shall govern the administrative procedures of specific departments.

Article 7. Personnel and Retirement Systems

Section 7.01 Personnel Policies-General.

(1) The Charter Government shall provide equal opportunity to all of its employees and applicants for employment and shall not discriminate among them based on race, color, sex, religion, national origin, age or disability. Equal opportunity extends to all matters of hiring, promotion, transfer, compensation, benefits and all other terms, privileges and conditions of employment.

(2) As required by KRS 67.870, employment on the basis of political activity shall be prohibited. No employee shall be forced to pay or collect any assessments made by political organizations, contribute to political campaign funds, or be active in politics. While on duty, no employee shall be active in politics or work for the election of candidates.

Section 7.02 Establishment of Personnel Policies.

After review of recommendations provided by the Transition Committee pursuant to Article 14 of this Charter, the Council shall provide by ordinance for the establishment, regulation and maintenance of personnel policies necessary for effective administration of the employees of the charter county's departments, offices and agencies. The ordinance may include provisions for a merit system. The ordinance shall, at a minimum, provide for:

- (a) A compensation schedule for all positions in the charter county government;
- (b) A policy requiring that all appointments and promotions shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination, work experience, education or other evidence of competence; and
- (c) Policies regarding labor force reduction or expansion, removals, working conditions, in-service training, participation in political campaigns, grievances and relationships with employee organizations;

Section 7.03 Labor Organizations and Collective Bargaining Agreements.

On the effective date of this Charter the Paducah-McCracken County government shall recognize all labor organizations who represented employees of the City of Paducah or McCracken County on the day prior to the effective date. The recognized bargaining unit of such labor organizations shall consist of those employees represented by the labor organizations on the day prior to the effective date of this Charter. The Paducah-McCracken County government shall also recognize and honor the provisions of any collective bargaining agreement in existence on the day prior to the effective date with a recognized labor organization. The status, compensation and conditions of employment of any previously non-represented employee added to the workforce of a department or agency represented by a labor organization due to consolidation, shall be determined by negotiations between the union and the Paducah-McCracken County government.

Section 7.04 Non-merit Classifications.

Except as otherwise provided in this Charter, the Council shall establish by ordinance the qualifications and compensation and other terms of employment for all employees exempted from any merit system.

Section 7.05 Employee Protection.

Within one (1) year of the effective date of this Charter, the Council shall establish and define “Whistle Blower” protection and methods of disclosure by ordinance. The “Whistle Blower Ordinance” shall protect, as described by the ordinance, any employee of the Charter Government or employee of a contractor with the Charter Government from discharge, discipline or transfer because of disclosing any violation or suspected violation of any law or rule committed by the Charter Government or a contractor doing work for the Charter Government or any act of malfeasance, misfeasance or neglect of duty by the Charter Government or its officers.

Section 7.06 Interim Personnel Policies.

All employees, except elected officials of the City, the County or the constitutional officers of McCracken County and the City Manager, Deputy County Judge Executive, shall become employees of the charter county government. Elimination of duplication of functions shall be addressed through attrition and reassignments, and no permanent full-time employee shall suffer loss of a job or reduction in benefits resulting solely from consolidation under this Charter. These employees shall not be subject to any examination or certification requirement to continue employment except those pertaining to promotion or change of classification.

Section 7.07 Employee Retirement Plans.

- (1) All employees of the City and the County who are members of the County Employees Retirement System (CERS) on the effective date of this Charter shall continue as members of that plan for the duration of their employment service.
- (2) All new employees without previous service covered under any merit system of the merged government shall be enrolled as members of CERS.
- (3) New employees with previous CERS service with the City, County or Charter County may reenter CERS.
- (4) The council may provide by ordinance for the participation in CERS by employees exempted from any merit system.
- (5) Nothing in this section shall prohibit the Council from exercising future pension plan options as may be provided for by general law.

Section 7.08 Implementation.

Except as otherwise provided in this Charter, the Council shall have the power to establish, delegate and otherwise provide for the operation and administration of all policies pertaining to the employment, compensation and fringe benefits of all employees of the charter county government.

Article 8. Services and Taxing Districts

Section 8.01 Service Districts and Their Boundaries.

(1) All real property within the boundaries of the Charter Government (not otherwise exempt by law) shall be subject to an ad valorem tax rate reasonably based upon the services and benefits provided by the government. As a result, the territory of the Charter Government shall be divided into a General Services District, a Full Services District and such Partial Services Districts as the Council shall create. The ad valorem tax rate in any services district shall be uniform for all real property in that Service District, except as otherwise provided for in Section 8.02.

Section 8.02 Services Districts and Taxing Districts.

For purposes of levying and collecting ad valorem taxes on real property, each service district shall constitute a separate taxing district. The initial rate of ad valorem taxation on real property located within the General Services District shall be the same as that imposed by the County on the effective date of this Charter. The additional rate of ad valorem taxation on real property located within the Full Services District shall be equal to the rate imposed on real property located within the City on the effective date of this Charter. The additional rate of ad valorem taxation on real property located within any Partial Services District created by the Council shall be commensurate with the services provided and governed by the conditions and limitations imposed in Section 8.03 of this Charter.

Section 8.03 Expansion of Full Services District and Creation of Partial Services District.

(1) The Council may expand or reduce the territorial limits of the Full Services District or create or modify a Partial Services District. The expansion or reduction of services shall apply to a precinct or precincts within a Council District as established in Section 10.02.

(a) In no case shall the Council expand or reduce the territorial limits of the Full Services District or create or modify a Partial Service District until:

(i) A petition signed by the Minimum Number of Qualified Voters is delivered to the County Court Clerk more than one hundred twenty days preceding the next regularly scheduled election day within the County specifying the nature of the request to expand or reduce the Full Services District or create or modify a Partial Services District and the precinct or precincts to which the change is applicable.

(ii) The Council has adopted a resolution to expand or reduce the Full Services District or create or modify a Partial Services District. The ordinance shall specify: 1) the precinct or precincts to be included in the expansion or reduction of the Full Services District or the creation or modification of a Partial Services district; 2) findings of the Council concerning the need to expand or reduce services; 3) the ability of the Charter Government to provide additional services; and 4) the adjustment in the level of tax rates resulting from the extension or reduction of services.

a) The Council shall publish the contents of the resolution at least once a week for three (3) consecutive weeks in a newspaper of general circulation in the County, and post in electronic format.

b) The Council shall conduct at least one (1) public hearing at a time and place other than a regular meeting of the Council following the publication of the ordinance to inform and receive the views of all interested persons concerning the proposed action.

(iii) The question of whether to expand or reduce the territorial limits of the Full Services District or create or modify a Partial Services District as specified in the petition and ordinance shall be placed on the ballot at the next regularly scheduled election following the filing of the petition. The question stated on the ballot shall be phrased so that a “Yes” vote shall be cast in favor of making the proposed change and a “No” vote shall be cast to oppose the proposed change. If a majority of those voting in the affected precinct or precincts support the change, then the change of boundaries or the expansion or reduction of services shall be implemented by the Council.

(iv) The expansion of the territory of the Full Services District or the creation of a Partial Services District shall not become effective until the services or services specified in the ordinance have been provided to the specified area.

(v) For the purposes of this Article 8, the “Minimum Number of Qualified Voters” is defined as the number of qualified voters residing in each precinct requesting a modification to its Services District greater than ten percent (10%) of the votes cast in that precinct in the last general election for President of the United States.

Section 8.04 Functions of the General Service District.

(1) The Charter County Government shall furnish, provide and maintain in the General Services District, all services rendered by the County on the effective date of this Charter. The services to be furnished, provided and maintained within the General Services shall include:

- (a) General Administration;
- (b) Sheriff Department Protection and volunteer fire department protection;
- (c) Jails and other Detention Facilities;

- (d) Parks and Recreation;
 - (e) Emergency Management;
 - (f) Planning and Zoning;
 - (g) Streets and Highways;
 - (h) Traffic Engineering and Control;
 - (i) Development and Renewal;
 - (j) Refuse Disposal (Landfill);
 - (k) Licensing and Inspection;
 - (l) Building Codes;
 - (m) Electrical Codes;
 - (n) Water and Air Pollution Control;
 - (o) Animal Control; and
 - (p) Such services and activities as may be provided for the general use or benefit of persons residing in the territory of the Charter Government.
- (2) Subsection (1) of this section is intended as a list of those governmental services and activities, which shall be initially performed by the Charter Government within the General Services District and shall not be construed to limit the right of the Charter Government to furnish, provide and maintain other governmental services throughout the General Services District as the Council may prescribe.

Section 8.05 Additional Functions To Be Provided in the Full Services District.

- (1) In addition to those services and activities furnished, provided and maintained in the General Services District, the Charter Government shall provide the services within the Full Services District, which shall include all services available to the area within the city limits or Paducah on the effective date of this Charter.
- (2) Subsection (1) of this section is intended as a list of those additional governmental services and activities which shall be initially performed by the Charter Government within the Full Services District and shall not be construed to limit the right of the Charter Government to furnish, provide and maintain other governmental services throughout the Full Services District as the Council may prescribe.

Section 8.06 Existing Service Districts.

All taxing districts, fire protection districts, water districts and any other special taxing or service districts of any kind not otherwise specifically addressed by this Charter and existing on the day prior to the effective date of this Charter, shall continue in existence unless dissolved or modified in the manner prescribed by law and shall continue to exercise all powers and functions permitted by the Constitution and the general laws of the Commonwealth of Kentucky.

Section 8.07 General Powers of the Council to Redefine the Services and Activities of the Services Districts.

Nothing in this Charter shall limit the power of the Council to redefine, add or reduce services and functions to be provided within the General Services District, the Full Services District or any Partial Services District, so long as such action on the part of the Council is applied uniformly throughout the territory of the district, and applicable taxes and fees are adjusted accordingly.

Section 8.08 Tax Rates

All tax rates shall be established by the Council consistent with the Kentucky Constitution, the general laws of the Commonwealth, this Charter and any ordinances to be adopted by the Council; provided, however, that the initial tax rates for each services district and all tax rates that are generally applicable shall be the same as those imposed respectively by the City of Paducah and/or McCracken County, as the case may be, on the day prior to the effective date of this Charter. These tax rates shall not be increased for a period of five (5) years from the effective date of this Charter, unless such increase is the result of an increase in the level of services pursuant to Section 8.03.

Section 8.09 Assumption of Obligations

All of the existing liabilities and financial obligations of the City of Paducah and McCracken County on the effective date of this Charter are assumed by the Paducah-McCracken County government. However, it is the intent of this Charter that all of the existing liabilities and financial obligations of the City of Paducah as of the effective date be borne by the taxpayers of the Full Services District and all of the existing liabilities and financial obligations of McCracken County be borne by the taxpayers of the General Services District and the Partial Services District and that the taxes of one district shall not be increased to pay for the existing liabilities or obligations of another.

Article 9. Boards, Commissions and Authorities

Section 9.01 General Provisions.

(1) For the purposes of this Article, the term “board” shall mean boards, commissions and authorities, special taxing or nontaxing districts, nonstock corporations or other entities formed

by the City or County government prior to the effective date of this Charter or by the Charter government after the effective date of this Charter.

(2) The Council shall have the power to create by ordinance boards as may be provided under law for cities of the second class, counties containing cities of the second class, or charter county governments provided that the ordinance is consistent with the terms of this Charter. The Council shall have the power, by ordinance, to take such action as it deems necessary to abolish, restructure, consolidate or otherwise alter any board provided the action is consistent with general law.

(3) Except as otherwise provided by this Charter or appropriate state law, all members of boards covered by the provisions of this Article shall be appointed by the Charter County Executive, subject to confirmation by a majority of the Council members.

(4) Except as otherwise provided by law, the terms of boards shall be four (4) years. Initial terms for a newly established board, however, shall be staggered to allow the appointment or re-appointment of at least one-half of the membership of any board every two (2) years.

(5) All vacancies on a board shall be filled for the unexpired term in the manner prescribed for original appointment or by applicable state law. In the event the Charter County Executive fails to act within sixty (60) days to fill a vacancy, the Council may take action to make the appointment without the Charter County Executive's recommendation. In the event that the Council fails to fill the board vacancy after an additional thirty (30) days, the Council shall lose its power to appoint and the power to appoint shall revert to the Charter County Executive.

(6) A board member whose term has expired but no replacement has been appointed may continue to serve as an official board member for up ninety (90) days or until an appointment is made, whichever occurs first.

(7) Any member of a board may be removed from office in accordance with applicable state law, or in the absence of such law, by a majority of the membership of the Council.

(8) Except as otherwise provided by applicable state law, the Council may prescribe by ordinance for the compensation or reimbursement of actual and necessary expenses incurred by members of any board created pursuant to this charter or subsequent ordinance.

(9) The Council may, subject to the limitations of applicable state law, prescribe the qualifications required of members of boards covered by the provisions of this Charter. The Council shall encourage citizens to serve on boards, maintain an open application process, and give notice on the Charter Government's website of all board and commission positions that will be vacated during the upcoming quarter. In addition, the Council may within limits set by this Charter or applicable state law, provide any board with such clerical, secretarial or other staff assistance as may be deemed necessary.

(10) A board member shall be ineligible to serve as a board member after expiration of a third term for which he/she has been appointed. This limitation does not apply to terms served as a

board member prior to the effective date of this Charter and does not prohibit the member from serving on another board.

Section 9.02 Existing Boards, Commissions and Authorities.

(1) All city, county or joint city-county boards, as may exist on the effective date of this Charter not otherwise addressed in this Charter shall continue in effect subject to an organizational review by the Council. This review shall include consideration of any recommendations made by the Transition Committee formed pursuant to Article 14 of this Charter and shall be completed within one hundred twenty (120) days following the effective date of this Charter.

(2) Members of all existing boards or commissions shall continue to serve until their terms expire unless the Council alters their respective board or commission's operating authority.

(3) Any appointment to any board previously designated to be made by the County Judge/Executive or the Mayor shall be made by the Charter County Executive subject to confirmation by the Council, except as otherwise provided by law.

Section 9.03 Water and Sewer Districts.

(1) All water districts and sewer districts created, established or otherwise provided for by city and/or the county on the effective date of this Charter shall be continued until otherwise provided for as specified in this Section.

(2) The charter county government shall have the same authority over any water district or sewer district covered by this Section or any water district or sewer district subsequently created by the Council as was authorized to be exercised by the county on the effective date of this Charter.

(3) Pursuant to KRS 67.845, which authorizes provisions for the corporate dissolution of special districts, the Council may, by ordinance, provide for the corporate dissolution of water or sewer districts. The Council may, by ordinance, specify procedures for such dissolution and may also provide procedures for the assumption of such districts' services, assets and liabilities by an appropriate department, division, agency, board or commission of the charter county government, another water district or other authorized utility. The Council shall provide for such dissolution procedures if it receives certification from the appropriate department, division, agency, board or commission of the Charter Government and the chief legal office that the continued operation of any water or sewer district imposes a serious threat to the public health and safety of the residents of the charter county. Any council action taken pursuant to this Section shall be consistent with general law regulating water or sewer districts and the providing of utility services.

Article 10. Elections and Legislative Districts

Section 10.1 Elections.

(1) The election of the Charter County Executive and Council members of the Charter Government shall be nonpartisan. The general election of the Charter County Executive and Council members of the Charter Government shall be held on a regular election day as specified under the Constitution and laws of the Commonwealth of Kentucky. In elections of the Charter County Executive and the Council members, the County Clerk shall list the offices on the ballot as “Charter County Executive/County Judge/Executive”, “At-large Council Member/County Commissioner” and “District Council Member”.

(2) All candidates for the offices of Charter County Executive and Council members shall be nominated by a non-partisan primary election held on the day of primary elections as specified under the Constitution and the laws of the Commonwealth of Kentucky. The two candidates for CCE and in each of the Council districts and at large districts receiving the highest number of votes shall be nominated to run in the regular election. In all other respects, the procedure for conducting the non-partisan primary election shall otherwise be substantially the same as those prescribed for nonpartisan city elections by KRS 83A.170.

(3) All residents of McCracken County who are lawfully registered and qualified to vote under the Constitution and general laws of the Commonwealth of Kentucky shall be entitled to vote in the primary and regular elections.

(4) All election laws of the Commonwealth of Kentucky shall be applicable to the Charter Government elections unless this Charter expressly provides to the contrary.

Section 10.02 Council Districts.

(1) McCracken County shall be divided into nine (9) Charter Council districts, which shall be substantially equal in population, as required by state and federal constitutional law. Districts shall be compact and composed of contiguous territory. The redistricting plans shall comply with all applicable federal and state laws. The redistricting plan shall recognize communities of interest within the County, including but not limited to, rural and urban interests.

(2) The initial Charter Council districts shall be drawn based upon population data from the 2010 census. Districts shall be redrawn every ten (10) years after publication of a new Census.

The districts for the election of District Council Members is attached hereto as Exhibit “A”.

Article 11. Budget and Financial Matters

Section 11.01 Fiscal Year.

The Fiscal Year of the Charter Government shall begin on the first day of January of each year and shall end on December 31. The fiscal year shall constitute the budget year and the year for all financial accounting and reporting for every organizational unit and activity of the Charter Government. Any provisions of federal or state law requiring different reporting or accounting shall also apply.

Section 11.02 Budget Preparation.

(1) The Council shall prescribe, by ordinance, the procedures, requirements and forms for the preparation, adoption and execution of annual operating and capital improvements budgets. It shall be the duty of all organizational units receiving appropriations from the Charter Government to furnish the Charter County Executive such information and copies as may be required to prepare the annual, balanced operating and capital improvements budgets.

(2) The CCE shall submit the proposed annual operating and capital improvements budgets to the council on or before a date fixed by ordinance, but not less than sixty (60) days prior to the beginning of the ensuing fiscal year. The budgets may be accompanied by a budget message from the CCE containing explanations of general fiscal policies, major changes recommended for the ensuing fiscal year and other budgetary matters as may be deemed appropriate. Copies of the proposed budgets shall be filed by the CCE with the County Clerk and shall be open to public inspection. The CCE shall cause a summary of the proposed budgets to be published in a newspaper of general circulation within the territory of the County and in an electronic format, not less than seven (7) days prior to their consideration by the Council.

Section 11.03 Scope of the Budgets.

(1) The annual operating and capital improvements budgets shall each consist of two parts. Part I shall set forth, in detail, the revenues and expenditures for those services, functions, activities and capital improvements projects pertaining to the General Services District.

(2) Part II shall set forth, in detail, the revenues and expenditures for those services, functions, activities and capital improvements projects pertaining to the Full Services District and separately for each of the Partial Services Districts.

(3) Each of the parts of the annual operating budget shall contain, with respect to each of the operating funds of the Charter Government to which they are applicable:

- (a) An estimate of the projected end-of-year fund balances for all accounts;
- (b) A reasonable estimate of cash revenues to be received during the ensuing fiscal year classified according to source;

(c) Proposed expenditures detailed by each Service District and activity in accordance with an established classification of accounts, including those capital outlays which are to be financed from the revenues of the ensuing fiscal year;

(d) Insurance and pension costs and all debt service requirements for that fiscal year payable from such funds; and

(e) Such other information as may be considered necessary or as may be desired by the CCE or Council.

(4) Each of the parts of the capital improvements budget shall contain:

(a) An estimate of the projected end-of-year capital improvements fund balances for all accounts:

(b) A description of all planned capital improvements to be funded during the ensuing fiscal year;

(c) The amount and source of all capital improvements expenditures for the ensuing fiscal year;

(d) A detailed summary of the capital improvements program planned for the next five (5) fiscal years indicating the estimated project costs and sources of revenue for each separate project, covered in the five year period;

(e) References to any studies and surveys pertaining to the contents of the annual capital improvements budget; and

(f) Such other information as may be considered necessary or as may be desired by the CCE or Council.

Section 11.04 Adoption of the Annual Operating Budget.

(1) The Council shall, upon receipt of the proposed annual operating budget from the Charter County Executive, schedule and hold one or more public hearings on the contents of the budget. The Council shall cause notice to be published in a newspaper with general circulation within the territory of the County and in an electronic format at least seven (7) days prior to the date set for the hearing. The Council may amend the proposed annual operating budget submitted by the CCE, provided that the budget, as amended and adopted, shall provide for all expenditures required by law and other provisions of this Charter, and for all debt service requirements for the ensuing fiscal year.

(2) Adoption of the annual operating budget by the Council shall be in the form of an annual appropriation ordinance. In the event that final action on the annual operating budget ordinance is not completed by the 31st day of December each year, the amounts appropriated for operations for the preceding fiscal year shall be deemed adopted for the ensuing fiscal year on a

month-to-month basis, with all items prorated accordingly until such time as the Council shall complete action on the appropriation ordinance for the annual operating budget for the ensuring fiscal year.

(3) The appropriation ordinance for the annual operating budget shall specify estimated revenues by source and shall list all appropriations according to fund by organizational unit or activity as set forth in the format of the budget document submitted by the Charter County Executive. The appropriation ordinance shall also include the appropriations for the capital improvements budget under Section 11.05 of this Charter. The amount set forth in the appropriation ordinance for each organizational unit or activity shall constitute the annual appropriation for such item.

(4) The Council may make additional appropriations to any organizational unit or activity during any fiscal year, provided that the additional funds are derived from unappropriated funds. In addition, the Council may, by a majority vote, empower the CCE to transfer the unencumbered balance of any appropriation or portion thereof, to another appropriation category within the same section of the budget and within the same fund. The Council shall not authorize the transfer of funds from one services district appropriation to another as specified in Parts I and II of the annual operating budget.

Section 11.05 Adoption of the Annual Capital Improvements Budget.

(1) The Council, upon receipt of the proposed annual capital improvements budget from the Charter County Executive, shall schedule one or more public hearings on the contents of the budget. Such hearing(s) may be held concurrently with those scheduled for the annual operating budget and shall be publicized in the same manner.

(2) The Council may delete projects from the annual capital improvements budget as proposed by the CCE, but shall not otherwise amend the budget until it has requested in writing the recommendations of the CCE concerning any proposed amendments. The Council may specify a time limit of not less than five (5) days within which the CCE may provide written recommendations. The Council shall not be bound by such written recommendations and may act without them if they are not received within the time limit specified by the Council.

(3) Adoption of the annual capital improvements expenditures for any fiscal year shall be included in the annual operating appropriation ordinance for that year. The appropriations by the Council shall be in conformity with that part of the annual capital improvements program applicable to that fiscal year, and shall be consistent with the descriptions of proposed expenditures, sources of revenue and type of capital improvements to be made during that fiscal year as set forth in the annual capital improvements ordinance.

Section 11.06 Levy of Taxes and Fees.

(1) Following the final adoption of the annual operating appropriation ordinance on or before the thirty-first (31st) day of December each year, the Council shall:

(a) Levy, by ordinance, an ad valorem tax on all real property within the General Services District that is subject to such taxation by counties containing cities of the second class under the Constitution and laws of Kentucky. The rate set by ordinance for the ad valorem tax on real property within the district shall conform to any rate provisions established by the Constitution and laws of Kentucky for counties containing cities of the second class, and shall be consistent with the provisions of this Charter governing ad valorem taxes within the General Services District.

(b) Levy, by ordinance, an additional ad valorem tax on all real property within the Full Services District and any Partial Services Districts that are subject to such taxation by cities of the second class under the Constitution and laws of Kentucky. The rates set by ordinance for the additional ad valorem tax on real property within these districts shall conform to any rate provisions established by the Constitution and laws of Kentucky for cities of the second class, and shall be consistent with the provisions of this Charter governing ad valorem taxes within the Full Services District and Partial Services Districts.

(c) Levy, by ordinance, such other taxes and fees that may be levied by counties containing cities of the second class, cities of the second class, or charter county governments under the Constitution and laws of Kentucky as may be required to meet the annual appropriations for the General Services District, the Full Services District and Partial Services Districts. All taxes or fees levied under this subsection, shall be based upon a reasonable estimate of the cash revenues required to cover the appropriations made under the appropriation ordinances that are not covered or anticipated by the levy of the ad valorem tax imposed on real property located within the General Services District, the Full Services District and Partial Services Districts.

(2) The Council shall provide, by ordinance, for the manner and method of collecting all delinquent monies due the Charter Government as may be consistent with the laws of Kentucky.

Section 11.07 Exemptions and Assessments.

All homestead exemptions and other exemptions provided under the Constitution and laws of the Commonwealth of Kentucky shall be applicable to property located within the territory of the Charter County. All assessment provisions for agricultural and horticultural land provided under the constitution and laws of Kentucky shall be applicable to property located within the territory of the Charter County.

Section 11.08 Borrowing and Indebtedness.

(1) The Charter Government may issue any bonds which counties containing a city of the second class, cities of the second class or charter county governments are authorized to issue under the Constitution and laws of Kentucky. All bonds issued by the Charter Government after the effective date of this Charter for funding services in the General Services District, the Full Services District or any Partial Services Districts shall be allocated to the respective district.

(2) All bonds issued before the effective date of this Charter by the County and all bonds authorized but un-issued by the County government on the effective date of this Charter shall be allocated to the General Services District. All bonds, except those issued before the effective date of this charter by the City government and all bonds authorized but not yet issued by the City government on the effective date of this Charter shall be allocated to the Full Services District.

Section 11.09 General Obligation and Revenue Bonds.

(1) All general obligation bonds shall be issued in the name of the Paducah-McCracken Charter Government and shall be the obligation thereof. The full faith and credit of the Charter Government shall be pledged for all general obligation bonds issued under the provisions of this Charter and general law.

(2) The Council is hereby empowered and authorized to issue revenue bonds for the purpose and in the manner as may be provided under general laws for counties containing a city of the second class, cities of the second class or charter county governments.

(3) All revenue derived by the Charter Government from the issuance and sale of bonds shall be used exclusively for the purposes for which the bonds were issued, and all revenue collected for the purpose of servicing or retiring the bonds shall be used exclusively for the payment of principal, interest and other expenditures associated with the bond issue, as may be specified in the bond ordinance.

Section 11.10 Property Valuation Administrator.

In addition to funding specified under KRS 132.590, the McCracken County Property Valuation Administrator's office shall continue to receive funding in accordance with KRS 132.285.

Article 12. Ethics

Section 12.01 Code of Ethics.

(1) The use of public office for private gain shall be prohibited.

(2) The Council, pursuant to KRS 65.003, shall adopt on or before January 1, 2015, by ordinance, a code of ethics which shall apply as appropriate to all elected officials of the charter county, appointed officials and employees of the charter county, and appointed officials and employees of boards, commissions and authorities, including special taxing or non-taxing districts, or other entities formed by the city or county government prior to the effective date of this Charter or by the charter county after the effective date of this Charter. In the interim period between the election and adoption of the code of ethics, the Council may apply principles contained in either the city ethics code or county ethics code, or both.

(3) Prior to adoption of the code of ethics, the Council shall consider the recommendations of the Transition Committee as provided in Article 14 of this Charter. Provisions of the code shall address, but not be limited to conflict of interest provisions relating to:

- (a) action by an official in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public;
- (b) the acceptance of gifts and other things of value;
- (c) nepotism;
- (d) acting in a private capacity on matters dealt with as a public official;
- (e) the use of confidential information; and

(4) The code of ethics shall provide penalties for violations.

(5) The Code of Ethics shall address discrimination, harassment, making false statements, fraud and the rendering of any item of value for any term of employment. The Code shall also address malfeasance and misfeasance of office; conviction of a crime while in office; and acts of political participation, solicitation and coercion while in office.

Section 12.02 Board of Ethics.

(1) The Council shall, by ordinance on or before January 1, 2015, create a five (5) member Board of Ethics. The Board shall be an independent board of ethics with the responsibility to administer and enforce the code of ethics to be adopted pursuant to Sections 12.01 and 12.02 of this Article. The Council may establish the terms as well as the number of members of the new consolidated Board.

(2) No member of the Board of Ethics may hold elective or appointed office under the charter county government, or serve on any other board, commission or authority of the charter county, and shall not hold any political party office.

(3) Insofar as possible under state law, the Council shall authorize the Board to issue opinions, conduct investigations on its own initiative and on referral or complaint from officials or citizens, subpoena witnesses and documents, refer cases for prosecution, impose administrative fines and to hire independent counsel.

(4) The Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform the duties assigned to it and to provide annual training and education of charter county officials and employees, including candidates for public office, regarding the Ethics Code.

Article 13. Miscellaneous Provisions

Section 13.01 Amendment of Charter.

- (1) Amendments to this Charter may be initiated by the Charter Council or by petition. Each amendment shall relate to only one (1) subject. No more than two (2) amendments may be considered at each regular election.
- (2) The Charter Council, by vote of nine (9) of the members of the Council, may adopt a resolution placing a proposed amendment to this Charter before the voters at the next regular election. The resolution shall contain the full text of the amendment.
- (3) A petition may be filed with the county clerk proposing an amendment to this Charter and requesting that a referendum be held on the proposed amendment at the next regular election. The petition shall contain the full text of the amendment. The petition shall be signed by a number of registered voters equal to at least twenty percent (20%) of the number of county residents voting in the preceding regular election.
- (4) An amendment proposed under subsection (2) or (3) of this Section shall be advertised at least (90) days before the regular election at which voters will be asked to approve or disapprove the adoption of the amendment. The ordinance or petition proposing an amendment shall be filed with the county clerk not less than 120 days prior to the regular election. If more than two (2) amendments are filed for the same regular election, the first two (2) amendments received by the county clerk shall be placed on the regular ballot.
- (5) The votes shall be counted, returns made and canvassed in accordance with KRS Chapters 116 to 121 governing elections, and the results shall be certified by the county board of election commissioners to the county clerk. If a majority of those voting on the issue are in favor of adopting the amendment, the amendment shall become effective at the time stated in the amendment or, if no time is stated, on January 1 of the calendar year following its adoption.

Section 13.02 Severability.

If any part of this Charter is held unconstitutional or contrary to a state statute, the remaining parts shall remain in force unless:

- (1) The remaining parts are essentially or inseparably connected with and dependent upon the part that is unconstitutional or contrary to state statute; or
- (2) The remaining parts, standing alone, are incomplete and incapable of being executed.

Section 13.03 Titles and Subtitles.

Titles, subtitles, and captions appearing before articles and sections of this Charter are not part thereof and do not determine or restrict the meaning of its provisions. No substantive provision of this Charter shall be construed to be unintended, ineffective or otherwise affected because this

provision has not been suggested, indicated or specified by a title or subtitle. Titles and subtitles appear in this Charter merely for convenience and information of persons examining or indexing its provisions.

Section 13.04 Federal, State and Other Aid.

The Charter Government, having been granted by KRS 67.850 the constitutional and statutory rights, powers, privileges, immunities and responsibilities of counties and of cities of the second class, shall be deemed a county and shall also be deemed an incorporated municipality of the second class under the Constitution and laws of Kentucky for the purpose of applying for or receiving any aid or grant-in-aid from the Commonwealth of Kentucky, the government of the United States, or any other agency. When state aid or other grant-in-aid is distributed to any county on the basis of population or area, or both, then the entire population and the total area of the Charter County shall be considered in calculating and determining the basis for such distribution.

Section 13.05 Authority to Deal with Federal and State Agencies.

Subject to the provisions of this Charter, the Charter Government shall have the power and authority to participate in, cooperate in and take all necessary action with respect to any and all projects, programs and undertakings of any nature whatsoever authorized by statute, rule or regulation of the United States or the commonwealth of Kentucky, or any federal or state agency or instrumentality, including but not limited to, airports, highways, housing, transportation, public safety, urban renewal, neighborhood redevelopment, sewers and sewage disposal, environmental protection, parks and recreation and social welfare. Pursuant to such participation and cooperation, the Charter Government shall have the power to borrow money, issue promissory notes and general obligation bonds or revenue bonds and execute mortgages or deeds of trust in favor of any state or federal agency secured by property of which the Charter Government is the legal or beneficial or equitable owner.

Article 14. Transitional Provisions

Section 14.01 Adoption.

The contents of this document and appendices shall be deemed a “comprehensive plan of charter county government” under the provisions of KRS chapter 67.825 to 67.875. This Charter shall be submitted to the qualified voters of the County for their approval in accordance with the law of Kentucky. The Charter shall be considered for adoption in accordance with the provisions of KRS 67.830.

Section 14.02 Effective Dates.

The effective date of this Charter shall be January 1, 2015 , the day specified by Kentucky law for the commencement of the terms of duly qualified officers elected in November of 2014 . In the event that the first Charter County CCE and Council members are delayed in taking office or in functioning as the governing authority of the merged government by court order or other

cause, the effective date of this Charter shall be the earliest date thereafter when they shall take office and commence to function as the governing authority of that government.

Articles 10 and 14 of this Charter shall become effective upon approval of the Charter by the qualified voters of McCracken County, Kentucky.

Section 14.03 First Election of Officers.

The following officers shall be first elected at the general election of 2014 and shall be sworn into office on January 1, 2015:

- (1) The Charter County Executive.
- (2) The three (3) at-large Council members specified in Article 4 of this Charter; and
- (3) The district representatives elected from Districts 1,3,5,7 and 9 shall serve an initial term of two (2) years and each term thereafter shall be four (4) years as set forth in Section 4.03(3). The district representatives from Districts 2,4,6 and 8 shall serve a four (4) year term pursuant to Section 4.03(3).

Section 14.04 Transition Period and Transition Plan.

- (1) Upon approval of this Charter by the qualified voters of McCracken County, the existing governments of the City of Paducah and McCracken County shall continue to function separately until January 1, 2015.
- (2) During the transition period between the adoption of the Charter and January 1, 2015, a Transition Committee shall develop a transition plan for consideration by the Charter Government.
- (3) The Transition Plan shall be a comprehensive plan for the phased integration of the structures, functions and services of city and county governments over a specified period of time.

Section 14.05 Transition Committee.

- (1) Within ninety (90) days of election by voters to adopt the charter county form of government, the then current Mayor of the City of Paducah and the County Judge Executive of McCracken County shall appoint a Transition Committee. The appointments shall be made by each in the same proportion as appointments to the Paducah-McCracken County Merger Commission consisting of at least twenty (20) registered voters of McCracken County. The Transition Committee shall be an advisory committee and shall have no authority to amend this Charter or adopt ordinances. The Transition Committee shall recommend a plan for the orderly transition of government and for procedures and steps to be taken by the respective governing bodies in order to provide for an economical, efficient, effective, practical and fair transition to the new charter county government. The Transition Committee shall appoint, supervise, support and encourage each of the following review subcommittees and based on the work of these

subcommittees, make recommendations to the new charter county government on or before June 1, 2014.

(a) **Ordinance Review.** A subcommittee shall be formed to review the rules, ordinances and resolutions of their respective governments and make recommendations to the Transition Committee on those measures that should be repealed or amended. This review shall also include recommendations on a new code of ethics.

(b) **Finance Review.** A subcommittee shall be formed to make recommendations to the Transition Committee concerning matters of finance.

(c) **Department Review.** A subcommittee shall be formed to make recommendations to the Transition Committee relating to merging the various city and county departments.

(d) **Boards and Commissions Review.** A subcommittee shall be formed to review and make recommendations to the Transition Committee concerning existing boards and commissions as provided for in Section 9.02 of this Charter.

In appointing the various subcommittees, the transition Committee will consider persons with experience in each of the identified areas.

Section 14.06 Continuation of Ordinances, Resolutions and Rules.

(1) All ordinances and resolutions of the City and all orders and resolutions of the County, which are not inconsistent with the terms and provisions of this Charter, shall be for a period of five (5) years from the Effective Date of the Charter or remain effective as ordinances and resolutions of the Charter County Government until they have been repealed, modified or amended by the Charter Council. At the end of such five (5) year period, such ordinances, resolutions and orders shall expire unless they are re-enacted during that time period.

(2) Except as otherwise provided by this Charter, all existing rules and regulations or departments, divisions, agencies or boards and commissions of the City and County governments, which are not inconsistent with the terms and provisions of this Charter, shall be effective as rules and regulations of the appropriate department, division, agency or board and commission of the Charter Government for a period of five (5) years from the Effective Date of the Charter or until they have been repealed, modified or amended by the Charter Council. At the end of such five (5) year period such rules, regulations, departments, divisions, agencies, boards or commissions shall expire unless they are reauthorized during that time period.

(3) Except as required to implement this Charter pertaining to the General Services, Full Services and Partial Services Districts, all conflicts and inconsistencies between the ordinances, orders, resolutions or rules and regulations of the City and County governments shall be resolved in favor of the law prevailing in the respective geographic area immediately prior to this Charter's effective date.

Section 14.07 Contracts, Obligations and Legal Proceedings Continued; Title of Property.

- (1) Except as otherwise provided by this Charter, all contracts, orders, leases, bonds and other obligations or instruments outstanding on the effective date of this Charter shall continue in full force and effect according to the terms thereof as determining obligations and rights of the Charter Government.
- (2) All rights, title and interest in all real and personal property vested in the City or the County government on the effective date of this Charter shall be vested in the Charter Government.
- (3) No pending action or proceeding of any nature by or against the City or the County government or any department, division, agency or board or commission thereof shall be abated or otherwise affected by the adoption and implementation of this Charter. To that end, the Charter Government shall stand substitute as a party in lieu of those former governments.

Section 14.08 Cooperation and Obligations of Former Governments.

- (1) Following the election of the first CCE and the Council members under this Charter, all employees and offices of the City and County governments and all agencies, authorities, boards and commissions thereof shall assist in planning and implementing this Charter.
- (2) To that end, employees and officers of the two governments, including all agencies, authorities, boards, commissions, departments and divisions, shall:
 - (a) Provide to the extent possible, equipment, office space and secretarial assistance as required by the newly elected CCE and Council members during the transition period; and
 - (b) Allow the newly elected CCE and Council to examine all files, records and other data in the possession of existing agencies, authorities, boards, commissions and governments during the transition period.
- (3) Failure to comply with the provisions of this Section shall constitute an official breach of the spirit and intent of KRS Chapter 67. Any office or employee of the City or the County, their departments, authorities, boards, commissions or other agencies contributing to non-compliance shall be subject to the charge of malfeasance under appropriate law, ordinance or resolution.

Section 14.09 Dissolution of Existing Governments.

The Charter Government shall replace and supersede the governments of the City and County on the effective date of this Charter. Thereupon, the governments of the City and County shall terminate as separate political and governmental entities and shall be merged into the government created by this Charter.

Section 14.10 Transfer of Records and Equipment.

When any department, division, agency, board or commission of the City or County is abolished or consolidated by this Charter or by action of the Council, all assets, contracts, franchises, books, papers, maps, charts, plans, records and equipment shall be delivered to the department, division, agency or board or commission to which its rights, powers, duties and obligations are transferred. In case of controversy between two or more departments concerning personal property, the CCE is empowered to direct disposition of the properties.

Article 15. Dissolution

Section 15.1 Petition of Dissolution.

The Charter County Government may be dissolved by the voters of McCracken County as follows:

(1) A petition may be filed with the County Court Clerk requesting that a referendum be held on the question of the dissolution of the Charter County Government. The petition shall be signed by twenty percent of the number of County residents voting in the preceding regular presidential election.

(2) The petition shall contain: a) the signature of the registered voter; b) the printed name of the registered voter; c) the residential address of the registered voter; d) the birthdate of the registered voter and e) the date of signature of the registered voter.

(a) If the County Clerk finds the petition meets the requirements of this Article, then the question of whether to dissolve the Charter County Government shall be placed upon the ballot at the next regular election.

(3) An otherwise valid petition shall be filed with the County Court Clerk not less than one hundred eighty (180) days, but not more than twelve (12) months prior to the next regular election in order to be placed upon the ballot. The County Court Clerk shall determine the sufficiency of the petition within thirty (30) days upon receipt. If the County Court Clerk determines that the petition is sufficient, then the question to be placed upon the ballot shall be advertised at least ninety (90) days before the next regular election at which the voters will be asked to approve or disapprove the dissolution of the Charter County Government.

Section 15.02 Referendum.

(1) In the event that the vote is in favor of dissolution, then the Charter County Government shall be dissolved and the local government structure of the City of Paducah and McCracken County shall be restored as the government existed on the date prior to the effective date of the Charter County Government. The buildings and real estate of the Charter County Government shall be restored to the City and County governments as they existed on the date prior to the effective date of the Charter County Government. All other assets, including intangibles, bank accounts and equipment shall be equally apportioned by the Council to the City and County

governments. All indebtedness of the Charter County Government shall also be equally apportioned to the restored City and County governments.

(2) The effective date of the restored City and County governments shall be the second January 1 following the affirmative vote of dissolution. The election of officers of the restored City and County governments shall be held as provided in the Kentucky Revised Statutes during the next calendar year following the affirmative vote of dissolution.

(3) In the event that the vote to dissolve does not pass, no petition for the dissolution of the Charter County Government shall be valid until a period of five (5) years has passed from the date of the election.

(4) No petition for the dissolution of the Charter County Government shall be valid until a period of five (5) years has passed from the effective date (Section 14.02) of the Charter County Government.