

ORDINANCE NO. **BG2020 - 3**
Amended
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 2
(ADMINISTRATION), SUBCHAPTER 2-2 (BOARD
OF COMMISSIONERS) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES

WHEREAS, the City of Bowling Green previously eliminated nonpartisan primary elections; and

WHEREAS, that ordinance contained the date to file for City office as then set by state statute and that state statute has been revised, and;

WHEREAS, in order to comply with the amended state statute, the City of Bowling Green needs to amend Chapter 2 as it relates to the date candidates for elected City offices need to file nomination papers with the Warren County Clerk; and,

WHEREAS, it is in the best interest of the City to amend Chapter 2 to bring the language into compliance with current state law; and,

WHEREAS, the Board of Commissioners has by ordinance required a vote on both readings of ordinances, and;

WHEREAS, that is not legally required, except for emergency ordinances, and;

WHEREAS, it is also in the best interest of the City to amend its ordinance language related to voting on first reading of ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 2 (Administration) is hereby amended as follows:

2-2 BOARD OF COMMISSIONERS.

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2-2.03 Title of Members; Duties Prescribed by Ordinances; Elections; Vacancies.

a. Members of the Board of Commissioners shall have the title "Commissioners," except the Mayor.

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b. They shall perform such duties as are prescribed by ordinances and the State [S]statutes.

c. All members of the Board of Commissioners shall be elected by nonpartisan elections and pursuant to the provisions of KRS 83A.045, with all members of the Board of Commissioners being elected on a [e]City-wide basis:

1. The nonpartisan primary election for the nomination of candidates for elected [e]City offices is hereby eliminated.

2. All candidates for elected [e]City offices shall, in accordance with the provisions of KRS 83A.045, file their nomination papers with the Warren County Clerk [~~not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the second Tuesday in August before the day fixed by~~] pursuant to the statutory timeframe before the day fixed by KRS Chapter 118 for holding the regular election for the office.

3. All nomination papers shall be filed no later than 4:00 p.m., local time when filed on the last day on which such papers are permitted to be filed.

4. The election of candidates to all elected [e]City offices shall be governed by the provisions of (1) through (4) of this Subsection and by the applicable provisions of KRS Chapter 83A and KRS Chapters 116 through 121.

5. The number of candidates equal to the number of [e]City offices to be filled who receive the highest number of votes cast in the regular election for each city office shall be elected.

d. Any vacancy in the position of Mayor or Commissioner shall be filled by the remaining Board of Commissioners within thirty (30) days of the vacancy pursuant to the Kentucky Revised Statutes.

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2-2.19 Action by the Board of Commissioners.

Each ordinance, municipal order or resolution on the proposed agenda shall first be read in

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summary by the City Clerk. The Mayor, City Commissioner or City Manager who sponsored the ordinance, municipal order or resolution shall speak first on the proposed item; provided, however, discussion may not occur until the Mayor or any of the Commissioners introduce the item by orally mak[e]ing a motion to approve or disapprove of that item under consideration. All such motions shall require a second. If applicable, a City staff person may speak on the item to provide additional information to the Board of Commissioners and to the public. Following those comments, the remaining members of the Board of Commissioners may speak on the proposed item, followed by comments from the public. When debate is concluded, the presiding officer shall call for a roll call vote [~~except that no vote is required on the first reading of any ordinance other than an emergency ordinance~~]. The roll call vote shall be called in alphabetical order and shall rotate at each meeting of the Board such that the Commissioner who votes first shall vote last at the next meeting; provided, however, that the Mayor or presiding officer shall vote last on all items under consideration and shall not be included in the alphabetical rotation. The alphabetical rotation shall start at the first meeting of the Board of Commissioners following the commencement of the new term of office following the General Election. A vote of the majority of a quorum is necessary to approve the motion before the Board of Commissioners, unless a larger voting majority is required by [s]State law. Every Commissioner present for the vote on a motion shall vote for the motion, against the motion or abstain on the vote.

A Commissioner shall abstain from voting on any matter that violates the City's Standards of Conduct set out in the Code of Ethics ordinance. In addition, a Commissioner shall abstain from voting on any matter in which the Commissioner is unable to fairly judge the matter before the Board of Commissioners or if the Commissioner has a financial conflict of interest. Any abstention shall be disclosed to the remaining Commissioners and to the public. If a Commissioner abstains from voting, that Commissioner shall leave the room during any open session discussion and shall not participate in any discussions involving the proposed agenda item. An abstention shall not be counted in the vote on the issue before the Board. If a Commissioner abstains from a discussion during a closed session, the

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Commissioner shall leave the room.

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2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on February 18, 2020, and given final reading on March 3, 2020, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: March 3, 2020

APPROVED: Brian Wilburn
Mayor, Chairman of Board of Commissioners

ATTEST: Ashley Jackson
City Clerk

SPONSORED BY: Brian "Slim" Nash, Commissioner, 01/27/2020, 2:00 p.m.
Ordinance No. BG2020-3 was tabled at the February 4, 2020 Board of Commissioners meeting.
Removed from the table and amended on the floor at the February 18, 2020 Board of Commissioners meeting.