

ORDINANCE NO. _____, SERIES 2017

AN ORDINANCE AMENDING CHAPTER 39.060 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES RELATING TO CONSTABLE PAYMENT

SPONSORED BY: COUNCIL MEMBERS HOLLANDER AND ENGEL

WHEREAS, the Kentucky Court of Appeals issued an opinion in the case of *David Whitlock v. Louisville Metro Government, et al*, Case No. 2013-CA-000681, finding Louisville/Jefferson County Metro Government Code of Ordinances (“LMCO”) Chapter 39.060 to be in conflict with KRS 64.200 regarding the pay rate for constables in cities of the first class (see attached opinion); and

WHEREAS, Louisville/Jefferson County Metro Council amends LMCO 39.060 to comply with the ruling issued by the Kentucky Court of Appeals.

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: LMCO § 39.060 is hereby amended as follows:

(A) Each elected Jefferson County Constable who desires any payment pursuant to KRS 64.210 for the use of his or her personal automobile in the performance of his or her official duties under any statute of the Commonwealth of Kentucky shall present to the Chief Financial Officer, or his or her designee (hereinafter the “CFO”) for each month in which the Constable seeks payment, on forms prescribed by the CFO, all of the following:

(1) Current automobile operator's license;

(2) Vehicle registration of the automobile which he or she is claiming is utilized in the performance of his or her official duties; and

(3) A completed mileage reimbursement form for the month during which payment is claimed. Upon completion and certification of the mileage reimbursement form, each Constable shall be paid at the rate established in the current Metro Government policies with regard to vehicle mileage reimbursement not to exceed \$200 per month. Any change in a Constable's vehicle registration or operator's license shall be reported immediately to the CFO.

(B) By the tenth day of each month, each elected Jefferson County Constable shall also present to the CFO, on a form prescribed by the CFO a sworn statement itemizing the hours actually expended in the prior month in carrying out his or her official duties under any statute of the Commonwealth of Kentucky. In addition to the hours actually expended, the monthly sworn statement shall describe the official duties performed by each Constable during the prior month. Upon receipt of such sworn statement, the CFO shall pay each Constable no more than the statutory amount set forth in KRS 64.200 at ~~an hourly rate, equivalent to the hourly rate as defined in the classification and compensation system paid by Metro Government for part time employees, not to exceed \$100 per month,~~ for official duties performed under any statute of the Commonwealth of Kentucky as described in the sworn statement. Payment for any month shall not be made until the reports required by this section have been received by the CFO. Payment shall also be conditioned on the receipt by the CFO of each of the following:

(1) Copies of each monthly report required by the Constable pursuant to KRS 70.430, which copies are stamped as received or filed by the Jefferson County Clerk; and

(2) An accounting for, and receipt of all funds received by the Constable pursuant to KRS 64.200(3) for such periods and on forms prescribed by the CFO.

(C) No other consideration other than as hereinabove specified shall be paid to any Jefferson County Constable during his or her term of office commencing on January 1, 1994.

(D) Each Constable shall be required to execute bond with good sureties approved by the Mayor as required by KRS 70.310. The amount of the bond shall be determined by the Louisville Metro Mayor and shall be no less than the minimum statutory amount set forth in KRS 70.310 and no more than \$3,000,000. Metro Council recommends a minimum bond amount be no less than \$1,000,000.

SECTION II: This Ordinance shall take effect upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

David Yates
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____