

CHAPTER 30: FISCAL COURT

Section

GENERAL PROVISIONS

General Provisions

30.01 Definitions

§ 30.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Meetings

- 30.10 Rules governing meetings
- 30.11 Regular and special meetings
- 30.12 Parliamentary authority
- 30.13 Temporary presiding officer
- 30.14 Order of business
- 30.15 Resolution and ordinance voting
- 30.16 Docket

COUNTY ATTORNEY. That individual defined by the Constitution of the Commonwealth of Kentucky and whose powers and authority are governed by the various chapters and sections of the Kentucky Revised Statutes, including but not limited to KRS Chapter 69.

Zoning Matters

- 30.25 Entries in docket book; notice of receipt of minutes
- 30.26 Action taken during zoning proceeding; notification
- 30.27 Return of zoning matter to Planning Commission
- 30.28 Decision of Court; notification
- 30.29 Rules of Civil Procedure
- 30.30 Final decision; motion for reconsideration or rehearing
- 30.31 Time limit for final action on zoning cases
- 30.32 Order of business
- 30.33 Evidence; basis for decisions of Fiscal Court

COUNTY JUDGE/EXECUTIVE. That individual defined by the Constitution of the Commonwealth of Kentucky and whose powers and authority are governed by the various chapters and sections of the Kentucky Revised Statutes, including but not limited to KRS Chapter 67.

FISCAL COURT. That body of Jefferson County Government, defined in Section 144 of the Constitution of the Commonwealth of Kentucky, whose powers and composition are enumerated in KRS Chapter 67.

MOTION. An act of the Fiscal Court ordering specific action or approving a course of conduct by its employees, pursuant to the court's statutory responsibilities.

*County Commissioners'
District Boundaries*

- 30.45 Report of Reapportionment Commission adopted by reference

ORDINANCE. An act of the Fiscal Court which is designed and intended by the Fiscal Court to carry the force and effect of a law of Jefferson County.

RESOLUTION. Any act of the Fiscal Court which, being not in an ordinance nor a motion, expresses an opinion or finding of the court. (Ord. 3-1976, adopted and effective 9-21-76; Am. Ord. 1-1978, adopted and effective 2-14-78)

MEETINGS

§ 30.10 RULES GOVERNING MEETINGS.

The meetings of the Jefferson County Fiscal Court shall be governed by the following rules, and these rules shall be in full force and effect beginning February 14, 1978. (Ord. 3-1976, adopted and effective 9-21-76; Am. Ord. 1-1978, adopted and effective 2-14-78)

§ 30.11 REGULAR AND SPECIAL MEETINGS.

(A) Regular meetings of the Fiscal Court shall be held on the second and fourth Tuesdays of every month at 10:00 a.m. If a regular meeting occurs on a legal holiday, it shall be held on the following day at the same hour.

(B) Special meetings of the Court may be held after notice is given as required by KRS 61.823 and KRS Chapter 424. Notice shall contain the purpose of the meeting.

(C) All meetings shall be held in the courthouse at the Jefferson County seat, unless another place, according to KRS 67.090, is designated in the meeting notice. (Ord. 3-1976, adopted and effective 9-21-76; Am. Ord. 1-1978, adopted and effective 2-14-78)

§ 30.12 PARLIAMENTARY AUTHORITY.

The latest edition of *Robert's Rules of Order* shall govern the proceedings of the Fiscal Court for all applicable cases in which it is not inconsistent with the Constitution and statutes of the

Commonwealth of Kentucky, or with the standing rules of the court.

(Ord. 3-1976, adopted and effective 9-21-76; Am. Ord. 1-1978, adopted and effective 2-14-78)

§ 30.13 TEMPORARY PRESIDING OFFICER.

(A) The County Judge/Executive shall preside at all meetings or in his absence or inability, the County Judge Pro Tem, if present, shall preside.

(B) In the absence or inability of both the County Judge/Executive and the County Judge Pro Tem, a majority of the Jefferson County Commissioners shall elect one of their number as presiding officer of the Fiscal Court, with all of the powers and duties vested in that office.

(C) The presiding officer may present resolutions, ordinances or motions and he may speak and vote on all matters before the Fiscal Court. (Ord. 3-1976, adopted and effective 9-21-76; Am. Ord. 1-1978, adopted and effective 2-14-78)

§ 30.14 ORDER OF BUSINESS.

(A) Call to order by the presiding officer and reading of proclamations.

(B) Addresses to the Court.

(C) Reading of minutes of previous meetings, unless dispensed with by the Court and approved.

(D) Treasurers' report.

(E) Miscellaneous business.

(F) Cabinet/department/office business and reports.

(G) Old business and matters deferred by past actions.

(H) Resolutions and ordinances.

(I) Recess.

(Ord. 3-1976, adopted and effective 9-21-76; Am. Ord. 1-1978, adopted and effective 2-14-78)

§ 30.15 RESOLUTION AND ORDINANCE VOTING.

(A) Resolutions and ordinances shall be introduced in writing by the sponsor member of the Court.

(B) The Clerk shall record the resolution or ordinance, which shall be numbered in the following manner:

Type of document, next chronological number, year (Resolution No. 1., 1978)

(C) Prior to the introduction of an ordinance by a sponsor member of Court for first reading, the ordinance shall be submitted to the County Attorney for approval as to form and legality. The County Attorney shall take action to approve or disapprove the ordinance within two weeks of receipt by the County Attorney's Office.

(D) All ordinances introduced to the Fiscal Court shall contain an effective date.

(E) Ordinances shall not be adopted and effective at the meeting at which it is introduced and must have two readings. Any member of the Fiscal Court may call for a public hearing on any proposed ordinance.

(F) Resolutions and motions shall require only one reading and may be adopted and effective at the meeting in which they are initially read.

(G) Ordinances, resolutions and motions may be amended or repealed by the passage of another ordinance or resolution or motion.

(H) No ordinance, resolution or other instrument pertaining to a bond issue shall be placed on the docket for Fiscal Court consideration unless such ordinance, resolution or other instrument contains a provision wherein the bond applicant affirmatively acknowledges its obligation to pay all local ad valorem or other property taxes lawfully established by Jefferson County, the Jefferson County Board of

Education and the fire protection district in which the bond applicant is located. Nothing herein shall be construed to abridge a bond applicant's statutory right to appeal a tax assessment.

(Ord. 3-1976, adopted and effective 9-21-76; Am. Ord. 7-1978, adopted and effective 9-26-78; Am. Ord. 3-1979, adopted and effective 3-13-79; Am. Ord. 15-2001, adopted and effective 6-12-01)

Statutory reference:

For additional requirements concerning the form of ordinances, reading and action on ordinances, and Fiscal Court quorum, see KRS 67.076 through 67.078.

§ 30.16 DOCKET.

(A) No matter shall be placed on the Court docket unless the matter is received by the Clerk no later than the close of business on the Wednesday preceding the Court meeting. Matters received subsequent to Wednesday shall be docketed for the next scheduled Court meeting.

(B) Matters of emergency which involve health, safety or property may be docketed notwithstanding division (A) of this ordinance with the approval of a majority of the Court.

(C) Any person may address the Court for a reasonable period of time, upon submission of the speaker's name and address and the name of the organization being represented, if any, to the Clerk. (Ord. 3-1976, adopted and effective 9-21-76; Am. Ord. 1-1978, adopted and effective 2-14-78)

ZONING MATTERS

§ 30.25 ENTRIES IN DOCKET BOOK; NOTICE OF RECEIPT OF MINUTES.

(A) Promptly upon receipt by the Clerk of the Fiscal Court of the minutes forwarded by the Planning Commission with respect to its initial recommendations or revised recommendations concerning any zoning matter, the Clerk shall make entries in a

docket book to be kept by the Clerk for zoning matters only. The entries shall be made as the matter progresses and shall show:

- (1) The name of the applicant and the Planning Commission docket number;
- (2) The date the minutes were received;
- (3) The date that a copy of the Planning Commission's minutes was sent to each member of the Court and the County Attorney;
- (4) A brief description of the location of the property; and
- (5) All subsequent proceedings.

(B) Upon receipt of the minutes, the Clerk shall place the matter for first call at the next regular zoning meeting of Fiscal Court, and shall give not less than five days notice, by mail, of the receipt of the minutes and the time and date of the first calling of the matter. Such notice shall be given to the applicant, the Planning Commission, all lawyers of record, and all parties who spoke at the public hearing before the Planning Commission, as shown by the minutes. (Ord. 40-1981, adopted and effective 10-27-81)

§ 30.26 ACTION TAKEN DURING ZONING PROCEEDING; NOTIFICATION.

(A) During the course of a zoning proceeding, the following action may be taken:

- (1) Any party may file written motions, including a motion to file additional evidence, with the Fiscal Court Clerk at least three days before the first call of the case.
- (2) The Court may upon a showing of exception or compelling circumstances determine that it will hold another hearing and fix a time and date for such hearing.
- (3) The Court may return the matter to the Commission.

(B) After any action in the matter has been taken, the Clerk of the Court shall notify the Commission, the applicant, all lawyers of record, and all interested persons of record.

(Ord. 40-1981, adopted and effective 10-27-81)

§ 30.27 RETURN OF ZONING MATTER TO PLANNING COMMISSION.

In the event the Court returns the matter to the Commission for further study, it shall set forth in writing the specific reasons for returning the matter to the Commission and shall advise the Commission concerning the type of further action which it desires the Commission to take, specifying the time within which it shall resubmit the matter to the Court with a further report. The Commission may be granted additional time for good cause within which it shall return its further recommendation. The matter shall then proceed as the Court directs.

(Ord. 40-1981, adopted and effective 10-27-81)

§ 30.28 DECISION OF COURT; NOTIFICATION.

The Court may approve the proposed change, partially approve and partially reject, reject the proposed change, or return the proposal to the Commission for further action. The decision of the Court shall be mailed or delivered to the persons notified in § 30.26 within ten days after the minutes of the Court are approved.

(Ord. 40-1981, adopted and effective 10-27-81)

§ 30.29 RULES OF CIVIL PROCEDURE.

Lawyers practicing zoning matters shall follow the *Rules of Civil Procedure*. The Court may require the same procedure of others. The County Attorney and the lawyer for the Commission shall be lawyers of record.

(Ord. 40-1981, adopted and effective 10-27-81)

§ 30.30 FINAL DECISION; MOTION FOR RECONSIDERATION OR REHEARING.

Any party of record may submit a motion to the Court for reconsideration or rehearing within ten days after the decision of the Court becomes final, such decision to become final upon certification thereof by the Clerk of the Court.

(Ord. 40-1981, adopted and effective 10-27-81)

§ 30.31 TIME LIMIT FOR FINAL ACTION ON ZONING CASES.

Final action by the Court in every zoning case shall be voted within six months of receipt from the Planning and Zoning Commission. The Clerk shall automatically place any pending zoning case on the docket of the last Fiscal Court meeting before the six-month period expires. No such pending case may be further delayed, except with the concurring vote of a majority of the entire Court membership.

(Ord. 40-1981, adopted and effective 10-27-81)

§ 30.32 ORDER OF BUSINESS.

(A) Call to order by the presiding officer.

(B) Reading of the minutes of the special zoning meeting, unless dispensed with by the Court and approved.

(C) Old business and matters deferred by past action.

(D) New zoning matters to come before the Fiscal Court.

(Ord. 40-1981, adopted and effective 10-27-81)

§ 30.33 EVIDENCE; BASIS FOR DECISIONS OF FISCAL COURT.

(A) Decisions shall be based on the Planning Commission public record, the staff report of the Planning Commission, the arguments at the Planning Commission public hearing, any motions and determinations made thereon, any additional evidence

made a part of the official record of Fiscal Court and any public hearings held by Fiscal Court.

(B) No additional evidence in the form of exhibits, petitions, letters, personal contacts otherwise additional evidence is made a part of the official record pursuant to order of the court and after all interested parties have been afforded an opportunity to rebut such additional evidence. Such additional evidence shall not be made a part of the record unless the motion is supported by a valid reason why such evidence was not presented at the Planning Commission public hearing.

(C) Any additional evidence as described above received by Fiscal Court members or their staff shall be filed with the Fiscal Court Clerk. Such evidence shall be available for inspection and may be made a part of the official record upon motion and order.

(D) Personal contacts with interested parties which tend to exert pressure or influence in zoning cases pending before Fiscal Court shall be avoided by members of Fiscal Court.

(E) Nothing in this section shall preclude Fiscal Court members or their staff from making a personal inspection of the site.

(F) Not less than a majority of the members of Fiscal Court shall constitute a quorum for the transacting of business. No propositions shall be adopted or determined except with the concurrence of at least the majority of the members present, except in such cases as otherwise provided by law.

(Ord. 40-1981, adopted and effective 10-27-81)

***COUNTY COMMISSIONERS'
DISTRICT BOUNDARIES***

§ 30.45 REPORT OF REAPPORTIONMENT COMMISSION ADOPTED BY REFERENCE.

The report of the Reapportionment Commission is hereby adopted and the Commissioners' district boundaries are hereby reapportioned in accordance

with the report that is attached to Ordinance 9-1992,
upon which this ordinance is based, and incorporated
herein by reference as if fully set forth.
(Ord. 9-1992, adopted and effective 6-23-92)