

ORDINANCE 14-2021

AN ORDINANCE AMENDING CHAPTER 26, ARTICLE II, SECTION 26-17(b)(3) OF THE OWENSBORO MUNICIPAL CODE CONCERNING THE QUALIFICATIONS OF MEMBERS OF THE CITY UTILITY COMMISSION TO COMPLY WITH REVISED KRS 96.530.

WHEREAS, changes are necessary in Chapter 26, Article II, Section 26-17(b) of the Owensboro Municipal Code concerning the qualifications of members of the City Utility Commission in order to comply with recent revisions to KRS 96.530.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:

SECTION 1. Chapter 26, Article II, Section 26-17(b)(3) shall be amended to state as follows:

Sec. 26-17. - Members.

(a) *Appointment, Term of Office:*

- (1) The city utility commission shall consist of five (5) persons who shall be appointed by the mayor with the consent and approval of the board of commissioners. No person shall be eligible to serve as a member of the utility commission who has within the last two (2) years before his appointment held any city, county, state or federal office, or within such period has been a member of any committee of any political party, or is related within the third degree to the mayor or any member of the board of commissioners.
- (2) The members of the board of utility commissioners shall be appointed for terms of three (3) years, but not more than two (2) members shall hold concurrent terms of office. The original appointment of one (1) or more members shall be for less than three (3) years as the board of commissioners may designate; and upon the expiration of the initial term of such member, his successor shall be appointed for a term of three (3) years.

(b) *Qualifications; Bond; Removal:*

- (1) All commissioners shall qualify as such commissioners by executing bond in the penal sum of ten thousand dollars (\$10,000.00) conditioned upon the faithful performance of their duties as such commissioners. Owensboro Municipal

Utilities shall pay the cost of securing such bonds from a corporate surety. An action may be maintained upon any commissioner's bond by any person injured by a violation of the covenants therein contained.

- (2) All utility commissioners shall continue in office until their successors have been appointed and have qualified. Any commissioner shall be eligible for reappointment upon the expiration of his term. Each commissioner shall receive compensation for his services as may be fixed from time to time by the board of commissioners of the city, but no more than twelve dollars (\$12.00) for each meeting attended; and no utility commissioner shall be paid in all for more than twenty-five (25) meetings per year; and the total compensation of any utility commissioner shall in no (1) year exceed three hundred dollars (\$300.00). Each utility commissioner shall be removable for cause by recorded vote of a majority of the board of commissioners after proper hearing.
- (3) The members of the utility commission shall be citizens, taxpayers, legal voters of the city, and shall be persons of outstanding reputation for ability and integrity. They shall not at the time of their appointment be indebted to the city, either directly or indirectly, or be surety on the official bond or bonds of any officer of the city. However, no more than two (2) commission members may be appointed who do not live within the city boundaries, and only if the appointing authority determines that each appointee:
 1. Is a resident of Daviess County;
 2. Possesses qualifications and expertise that would benefit and be in the best interest of the city utility; and
 3. the appointee:
 - a. Is not employed by;
 - b. Is not serving in any fiduciary or agency capacity with; and
 - c. Does not possess an ownership interest in;
a direct supplier or direct competitor of the city utility.
- (4) If at any time during the term of office any member of the commission shall become a candidate for or be elected or appointed to any public office, or shall remove from the city, he shall automatically vacate his membership from the commission and another person shall be appointed in his place.
- (5) In the event of a vacancy on the commission, and also at least thirty (30) days preceding the expiration of the term of office of any appointed commissioner, his successor shall be appointed by the mayor, with the consent and approval of the commission.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 7th day of
September, 2021.

PUBLICLY READ AND APPROVED ON SECOND READING, this the 21st day
of September, 2021.

Thomas H. Watson, Mayor

ATTEST:

Beth Davis, City Clerk