

**SMITHS GROVE CITY COMMISSION  
ORDINANCE NUMBER 15-002 210.10**

\*\*\* \*\*

**AN ORDINANCE ESTABLISHING THE POSITION OF ASSISTANT  
CLERK FOR THE CITY OF SMITHS GROVE, KENTUCKY**

\*\*\* \*\*

**WHEREAS**, the Commission has determined that there is a need for an Assistant City Clerk to serve in the City Clerk's absence, and

**WHEREAS**, KRS 83A.080 requires nonelected city offices to be created by Ordinance,

**NOW THEREFORE**, be it ordained by the City of Smiths Grove as follows:

- 1) That there is hereby established the office of "Assistant City Clerk for the City of Smiths Grove", to serve in the City Clerk's absence.
- 2) The office shall be filled by the City Commission, and the Assistant Clerk may be removed by the City Commission at will, unless otherwise provided by statute.
- 3) The powers and duties of the Office shall be the performance of the following duties in the absence of the City Clerk:
  - a) Maintenance and safekeeping of the permanent records of the city,
  - b) Performance of "Official Custodian" duties and "Custodian" duties outlined in KRS 61.870 to 61.882
  - c) Possession of the City seal, if used,
  - d) Creating and maintaining an accurate record of all commission proceedings,
  - e) Compliance with KRS 83A.085(d)(1,2,&3), and
  - f) The performance of all duties and responsibilities required of the City Clerk by statute or ordinance not otherwise prohibited by statute or administrative regulation.
- 4) The Assistant City Clerk shall take the Oath of Office prior to assuming office.
- 5) The Assistant City Clerk shall before entering upon the duties of office execute a bond to the City in such penal sum as set by the Commission.
- 6) The compensation of the Assistant City Clerk shall be set by the Commission.
- 7) This Ordinance shall become effective upon passage, approval and publication as required by law.

Passed on First Reading by roll call vote 4 – 0 on the 22<sup>nd</sup> day of June 2015.

Passed on Second Reading by roll call vote 5 – 0 on the 27<sup>th</sup> day of July 2015

Approval: \_\_\_\_\_

DAVID L. STIFFEY, MAYOR

Attest: \_\_\_\_\_

DEBORAH K. BREWER CITY CLERK

**83A.080    Nonelected city offices and officers -- Appointment -- Removal -- Statement of reason for removal -- Prohibition against creating or altering elected office.**

- (1) All nonelected city offices shall be created by ordinance which shall specify:
  - (a) Title of office;
  - (b) Powers and duties of office;
  - (c) Oath of office; and
  - (d) Bond, if required.
- (2) A city may create nonelected offices other than those referred to in this subsection. For purposes of the requirements of this section, the following shall be considered nonelected offices:
  - (a) City clerk;
  - (b) City manager;
  - (c) City administrator;
  - (d) Chief of police; and
  - (e) Fire chief, other than a volunteer fire chief.
- (3) All nonelected city officers shall be appointed by the executive authority of the city and, except in cities of the first class, all these appointments shall be with approval of the city legislative body if separate from the executive authority. The officers may be removed by the executive authority at will unless otherwise provided by statute or ordinance. Upon removal of a nonelected officer at will, the executive authority shall give the officer a written statement setting forth the reason or reasons for the removal. However, this requirement shall not be construed as limiting in any way the at-will dismissal power of the executive authority.
- (4) Each appointed and elected city office existing upon adoption of this chapter shall continue until abolished by ordinance, except that the offices of mayor and legislative body members may not be abolished. No abolition of any elected office shall take effect until expiration of the term of the current holder of the office. No ordinance abolishing any elected office shall be enacted later than two hundred forty (240) days preceding the regular election for that office, except in the event of a vacancy in the office.
- (5) No city may create any elected office. Existing elected offices may be continued under provision of subsection (4) of this section, but no existing elected office may be changed.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 271, sec. 2, effective July 15, 2002. -- Amended 2001 Ky. Acts ch. 118, sec. 1, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 435, sec. 9, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 70, sec. 1, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 434, sec. 3, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 235, sec. 8, effective July 15, 1980.

**Legislative Research Commission Note (6/21/2001).** A reference to "subsection (3)" in subsection (5) of this statute has been changed in codification to "subsection (4)" under KRS 7.136(1)(e) and (h). In 2001 Ky. Acts ch. 118, sec. 1, subsection (3) was

renumbered as subsection (4), but an internal reference in the existing language of this statute was overlooked.