

---

## THE LEGAL BASIS FOR KENTUCKY'S CITIES

---

### I. INTRODUCTION

#### A. What is a City?

American law currently recognizes no concrete definition of a city. The U.S. Supreme Court said once that "[t]he city is a miniature state." *Paulsen v. City of Portland*, 13 S.Ct. 750 (1893). A city is a body through which residents govern themselves, and a city exists solely for the benefit of the residents within its territory. It is an organization with precise boundaries and broad regulatory authority, and it serves the needs and interests of people on the local level by promoting and improving the quality of life in the community. Rights, property, powers, and privileges inherent to city governments ultimately belong to city residents to promote the public welfare. 1 *McQuillin Mun. Corp.* §§ 1.56 and 2.31 (3rd ed.). Kentucky currently has 418 cities. These municipalities offer a broad range of services, and home rule authority allows cities to provide for the health, safety, and welfare of their citizens. Commonly offered city services include street maintenance, garbage collection, police and fire protection, emergency medical services, parks and recreation, public transportation, water and sewer services, electricity plants, historic preservation, and community events.

#### B. How a City Relates to State and Federal Government

The sharp distinctions which once existed between the activities of federal, state, and local governments continue to blur as populations grow and residents' needs and interests become increasingly complex. No level of government can meet the demands placed upon it by relying solely on its own officers and resources. As the dividing lines between the federal, state, and local governments become more and more obscure, a system of shared government has evolved in which all levels of government work interdependently. Consequently, cities exercise critical relationships with state and federal governments in order to efficiently and adequately serve the public need. 1 *McQuillin Mun. Corp.* § 3A.01 (3rd ed.). Although cities enjoy an increasingly comprehensive interdependence with state and federal governments, the supremacy doctrine still applies. This means that the state and federal constitutions as well as the statutes and regulations enacted by the state and federal governments are supreme to actions taken by city governments. Municipal ordinances are inferior and subordinate to state and federal laws. Therefore, city governments are preempted from acting in areas where state and federal laws fully occupy a field or where specific state or federal statutes prohibit local action.

## ORGANIZATION OF CITY GOVERNMENTS

**MAYOR****Executive/Administrative Functions**

- ♦ Hire employees
- ♦ Supervise daily conduct of employees
- ♦ Discipline employees
- ♦ Terminate employees
- ♦ Appoint nonelected officers (with council approval)
- ♦ Supervise daily conduct of nonelected officers
- ♦ Discipline nonelected officers
- ♦ Terminate nonelected officers
- ♦ Establish office hours
- ♦ Set employee work schedules
- ♦ Assign offices
- ♦ Require[s] officers & employees to make reports
- ♦ Establish work procedures & regulations to govern work activities (subject to council disapproval)
- ♦ Report to council on the activities of employees and departments of city government and recommend legislative action by the council
- ♦ Make and sign contracts, notes, checks, purchase orders, & other legal documents
- ♦ Prepare a budget and submit the proposed budget to legislative body
- ♦ Administer the budget once passed
- ♦ Delegate authority to subordinate officers and employees when necessary

**Legislative Functions**

- ♦ Preside at council meetings
- ♦ Veto/approve ordinances
- ♦ Vote when necessary to break a tie (unless prohibited by statute)
- ♦ Call special meetings of council

**COUNCIL****Legislative Functions**

- ♦ Enact rules & regulations that apply to the general public to ensure the public's health, safety, and welfare
- ♦ Levy taxes and establish fees for city services
- ♦ Establish nonelected offices and employment positions
- ♦ Establish the basic duties of nonelected officers and employees
- ♦ Set the compensation for all officers and employees
- ♦ Hire employees to work solely for the council to assist it to perform legislative and other authorized functions (e.g., investigative function)
- ♦ Investigate the activities of government and officers and employees in furtherance of its legislative function
- ♦ Adopt an annual budget appropriating funds to operate city government and amend the budget as necessary
- ♦ Set contract specifications
- ♦ Authorize property to be purchased; declare property surplus and determine its value for sale
- ♦ Approve appointment of nonelected officers
- ♦ Disapprove mayoral regulations
- ♦ Majority may call special meetings in writing