

ADMINISTRATIVE CODE

MERCER COUNTY

(KRS 68.005)

ADMINISTRATIVE CODE MERCER COUNTY

Organization of County Government	3
Procedures	5
Deputy Judge/Executive	5
Appointment/Removal of Members of Boards and Commissions	5
Administrative Agencies	7
Special Districts	7
Salary	7
Fiscal Management	7
Budget Preparation	7
Duties and Procedures of the Fiscal Court	8
Fiscal Management of Funds	9
Procedures for the County Treasurer	9
Procedures for the Finance/Payroll Officer	11
Procedures for Administration of the Budget	12
Claims Against the County	13
Records and Reporting	13
Procedures for the Administration of County Assets and Inventory	13
Asset Inventory Accounting Records and Procedures	13
Capital Asset Documentation and Procedures	14
Purchasing and Contracts	15
Procurement	15
Sealed Bidding Procedures	16
Procedures for the Prerequisite Use of Negotiated Procurement	17
County Road Department	17
Personnel	17
Duties of the County Road Supervisor	17
County Road Inventory	17
Fiscal Court Procedures	18
Meetings	18
Presiding Officer	19
Quorum	19
Disturbing Meetings	19
Order of Business	19
Fiscal Court Records and Minutes	20
Rules of Order	20
County Ordinances, Orders and Resolutions	20
Personnel Policies and Procedures	21

ORGANIZATION OF COUNTY GOVERNMENT

Powers and Duties

The County Judge/Executive shall be the chief executive of the county and shall have all the powers and perform all the duties of an executive and administrative nature vested in, or imposed upon, the county or its fiscal court by law, or by agreement with any municipality or other subdivision of government, and such additional powers as are granted by the fiscal court. The county judge/executive shall be responsible for the proper administration of the affairs of the county placed in his/her charge. The judge/executive responsibilities shall include, but are not limited to, the following:

- I. Provide for the execution of all ordinances and resolutions of the fiscal court, execute all contracts entered into by the fiscal court, and provide for the execution of all laws by the state subject to enforcement by him/her or by officers who are under the judge/executive direction and supervision;
- II. Prepare and submit to the fiscal court for approval an administrative code incorporating the details of administrative procedure for the operation of the county and review such code and suggest revisions periodically or at the request of the fiscal court;
- III. Furnish the fiscal court with information concerning the operations of the county departments, boards, or commissions, necessary for the fiscal court to exercise its powers or as requested by the fiscal court;
- IV. Require all officials, elected or appointed, whose offices utilize county funds, and all boards, special districts, and commissions exclusive of city governments and their agencies located within the county to make a detailed annual financial report to the fiscal court concerning the business and condition of their office, department, board, commission, or special districts;
- V. Consistent with procedures set forth in KRS Chapter 68, prepare and submit to the fiscal court an annual budget and administer the provisions of the budget when adopted by the fiscal court;
- VI. Keep the fiscal court fully advised as to the financial condition and needs of the county and make such other reports from time to time as required by the fiscal court or as the judge/executive deems necessary;
- VII. Exercise, with the approval of the fiscal court, the authority to appoint, supervise, suspend, and remove county personnel (unless otherwise provided by state law);
- VIII. With the approval of the fiscal court, make appointments to or remove members from such boards, commissions and designated administrative positions as the fiscal court, charter, law or ordinance may create. The requirement of fiscal court approval must be designated as such in the county

administrative code or the county charter. In counties containing a city of the first class, the county judge/executive shall appoint to those seats which are not subject to prior qualification on a board or commission an equal number of members from each district, as defined in KRS 67.045, into which the authority of the board or commission extends. If there are more districts than members of a particular board or commission, he shall not appoint more than one (1) member from any district. If there are more members of a particular board or commission than there are districts the judge/executive shall equalize appointment to the extent possible. The county judge/executive shall not be required, but shall use their best efforts, to balance appointments on a board or commission if the appointments are to be made from nominees submitted by other groups or individuals or if nominees must have a professional or technical background, expertise, or membership. They shall attempt to balance appointments among such boards and commissions in order to equalize representation of all districts over the entire range of such boards and commissions; and;

- IX. When directed by statute or an ordinance of the county to make an appointment and fill a vacancy, nominate a person to fill the vacancy within sixty (60) days of the date of the vacancy. The fiscal court shall approve or disapprove the nomination within forty-five (45) days of the receipt of the nomination. If the county judge/executive fails to nominate a person within sixty (60) days of the date of the vacancy, the fiscal court may fill the vacancy. If the fiscal court fails to approve or disapprove a nomination within forty-five (45) days of the nomination, the county judge/executive's nominee is deemed to have been approved.
- X. If the fiscal court disapproves a nomination, the county judge/executive shall nominate another person to fill the vacancy within forty-five (45) days of the disapproval. If the county/judge executive fails to nominate another person within forty-five (45) days, a majority of the fiscal court may fill the vacancy.
- XI. The County Judge/Executive shall prepare and submit to the Fiscal Court an organizational chart showing the agencies and departments of county government and their organization. The organizational chart shall show the relationship of each agency and department and the lines of authority within county government.
- XII. The County Judge/Executive shall annually review the organization of county government and may recommend reorganization of any agency or department by the Fiscal Court.
- XIII. The County Judge/Executive may create, abolish, or combine any county department or agency or transfer a function from one department or agency to another, provided that he/she first submits plans for such reorganization to the Fiscal Court for their review. If not disapproved within sixty (60) days, the plan shall become effective.
- XIV. The county judge/executive or county judges/executive of multicounty districts may, with approval of the fiscal court or courts, create any special district or abolish or combine any special district, provided the district was created solely by the county

judge/executive or county judges/executives or solely by one or more fiscal courts.

- XV. The county judge/executive shall assure the representation of the county on all boards, commissions, special districts, and multi-county programs in which county participation is called for.

The recommendation for reorganization shall include, but shall not be limited to the following:

- a. Specific measurable goals and a time period indicated for meeting each goal;
- b. A list of services to be expanded, abolished or reduced as a result of the plan and the impact the plan will have on other services;
- c. The cost, both long and short term, of the changes proposed;
- d. The effect the plan will have on any personnel or facilities.

PROCEDURES

Deputy Judge/Executive

The Judge/Executive may designate by written order; a Deputy Judge/Executive who shall serve as Judge/Executive in the absence of the County Judge/Executive.

The Deputy Judge/Executive may act when the Judge/Executive is not in the County (OAG 82-224).

A reasonable salary must be provided for the Deputy Judge/Executive (OAG 82-224).

The Judge/Executive shall be deemed absent when he/she shall be physically absent from the county, sick, physically disabled, or prevented by other emergency beyond his/her control, which would prevent him/her from attending meetings of the Fiscal Court. A vacation, including one taken within the county, shall be considered an absence.

The Deputy Judge/Executive shall have all administrative powers as the Judge/Executive. The Deputy Judge/Executive shall not chair or vote on the Fiscal Court.

The Deputy Judge/Executive shall serve at the pleasure of the Judge Executive and may be terminated by the Judge Executive for just cause.

A member of the Fiscal Court may be appointed by a majority of the Fiscal Court to temporarily assume the duties of the County Judge, where the County Judge is absent from the County during an emergency or is incapacitated due to sickness, injury or mental incompetence.

Appointment / Removal of Members of Boards and Commissions

The County Judge/Executive has the authority "with the approval of the Fiscal Court to make appointments to or remove members from such boards, commissions, and

designated administrative positions as the Fiscal Court, Charter, Law or Ordinance may create". (KRS 67.710)

Every independent board, commission, agency or special district which requires participation by county government shall submit a list of its members of its governing body, together with a copy of its by-laws to the Judge/Executive not less than thirty (30) days to the selection of members of the governing body.

No less than thirty (30) days before selection, the governing body may submit to the Judge/Executive a list of nominees to be considered in addition to those nominated by the Fiscal Court.

The Judge/Executive shall assure the representation of the county on all boards, commissions, special districts and multi-county programs in which county participation is called for.

The Judge/Executive shall nominate qualified persons to serve on boards and commissions and inform the Fiscal Court in writing at the regular meeting of his/her intention to make an appointment. If state law requires approval by the Fiscal Court of the nomination, the Fiscal Court will act on such nomination within thirty (30) days or it will be deemed to be rejected. The Fiscal court shall not submit or vote on a nomination during a meeting unless approval is unanimous. A majority of those Fiscal Court members present at a meeting shall vote in favor of the nomination in order for it to be approved.

No person shall be selected as a member of a board or commission if such person holds or is employed in a position which is incompatible with the one for which nominated. The Fiscal Court may require the nominee to appear at a public hearing for the purpose of questioning such nominees about matters, which relate to the position for which he/she has been nominated. Such nominee shall be notified by mail if this is the intention of the Fiscal Court.

The Fiscal Court shall provide the nominee with an opportunity to make a statement to the Fiscal Court concerning his/her nomination qualifications.

In the event the Fiscal Court rejects the nominee, the Judge/Executive shall submit additional nominations, not to exceed ten (10) for any one position; and if the Fiscal Court rejects all ten (10) the Judge/Executive shall appoint a person to serve on a temporary basis, not to exceed one (1) year.

When state law does not require Fiscal Court approval of an appointment, the Judge/Executive shall make such appointment. Within thirty (30) days of making the appointment, the Judge/Executive shall notify the Fiscal Court in writing of the appointment. Such notice shall be filed with the County Clerk.

Administrative Agencies

Each county department shall be able to provide, upon request, the following records:

- I. A statement that describes the activities of the department or agency during the quarter, and evaluates these activities in relation to agency or departmental objectives.
- II. A financial statement for each agency or department. Such financial statement shall contain the total amount of appropriations for the agency or department; the amount spent and encumbered during the fiscal year; and the amount of the total appropriation, which is still available for spending.
- III. Within sixty (60) days after the close of the fiscal year, each administrative agency shall make a full report to the Judge/Executive and to the Fiscal Court. The report shall include a financial statement and general scope of operations of the agency during the preceding year.
- IV. Each administrative agency shall submit a detailed annual budget to the Judge/Executive by March 1st of each year.

Special Districts

The County Judge/Executive may, with approval of the Fiscal Court, create any special district; or abolish or combine any special districts, provided such district was created solely by one or more Fiscal Courts.

SALARY

Compensation paid to the County Judge/Executive shall comply with the sum fixed by the Department for Local Government pursuant to KRS 64.535. Consumer Price Index adjustments shall be approved by the Fiscal Court and made retroactive to January 1 of the applicable calendar years pursuant to KRS 64.527.

FISCAL MANAGEMENT

Budget Preparation

The County Judge/Executive shall prepare the county budget for review and adoption by the Fiscal Court as provided by KRS Chapter 68 and the rules and regulations of the State Local Finance Office.

By March 1st of each year, each county agency and department and each county office, board or commission or other group that receives county funds shall submit to the County Judge/Executive a written budget request showing the amount of funds requested and a budget for those specific funds as assurance those appropriated funds will be used for a public purpose.

The County Judge/Executive shall prepare a report of anticipated revenue.

The County Judge/Executive shall review the expenditures in each classification of each fund for the preceding year and for the current year.

The County Judge/Executive shall obtain from the Sheriff and County Clerk an annual tax and fee settlement, showing county taxes collected, no later than May 1st of the current year.

The County Judge/Executive shall submit the completed proposed budget to the Fiscal Court no later than May 15th of each fiscal year.

The Sheriff and County Clerk shall submit to the Fiscal Court a proposed operating budget for their offices to be approved by the Fiscal Court by January 15th of each year.

Duties and Procedures of the Fiscal Court

Review in detail the proposed budget that the County Judge/Executive has prepared and submitted to the Fiscal Court.

The review shall be conducted at a meeting or meetings held not later than June 1st of each year.

The Fiscal Court shall make comments, amendments, and tentatively adopt the proposed budget prior to the County Judge/Executive submitting the budget to the State Local Finance Officer.

Following action by the Fiscal Court, but not later than June 10th, the budget shall be submitted to the State Local Finance Officer for approval as to form and classifications.

The budget approved by the State Local Finance Officer shall be submitted to the Fiscal Court for adoption not later than June 30th or within ten (10) days after receipt of the certified assessment from the Department of Revenue, as provided by KRS 122.180, whichever shall be later.

The budget shall be published in a newspaper of general circulation in the county and a copy posted near the front door of the courthouse as least seven (7) days before final adoption by the Fiscal Court.

The budget shall be published immediately after adoption in a newspaper of general circulation in the county.

The County Judge/Executive shall maintain a copy of the budget adopted, together with any amendments adopted thereafter, for public inspection.

Fiscal Management of Funds

The County Treasurer (or some financial officer) shall invest and reinvest county funds as provided in KRS 66.480 and in the counties written investment policy.

All County Treasurers are bonded to receive and disburse county funds and shall maintain the correct records and follow the procedures as required by law.

The Fiscal Court as provided in KRS68.010 shall appoint the County Treasurer. The County Treasurer shall maintain primary responsibility for oversight and proper administration of county finances.

Procedure for the County Treasurer

The County Treasurer must keep records and make reports as prescribed by KRS 68.210, 68.020, 68.300, 68.360 and 66.480. He/she must also keep the following records as required by the Uniform System of Accounts for Kentucky Counties:

- a. Cash Receipts Journal and Cash Receipts Ledger
- b. Check Distribution Ledger
- c. Appropriation Ledger
- d. General Ledger
- e. Fixed Assets Schedule
- f. Liabilities Schedule
- g. Schedule of Expenditures of Federal Awards 9SEFA
- h. Investments Journal & Pledge of Securities Report
- i. Subsidiary Ledgers and Journals/Bond Issue Sinking Fund
- j. Accounts for each individually:
 - i. *General Fund*
 - ii. *Road Fund*
 - iii. *Jail Fund*
 - iv. *LGEA fund*
 - v. *Solid Waste Fund*
 - vi. *Landfill Fund*
 - vii. *Payroll and Net Profit Tax Fund*
 - viii. *County Clerk Fund*
 - ix. *Special Fund-Industrial Development*
 - x. *Opioid Abatement Fund*
 - xi. *Federal Grants Fund*

The County Treasurer's authority to invest idle funds shall be governed by the county's written investment policy. Same shall be recorded on an investment record.

Prepare monthly financial reports for Fiscal Court and Jailer pursuant to KRS 68.360 and KRS 441.235

Prepare quarterly and yearly financial statements for the State Local Finance Office.

Prepare an itemized annual financial statement.

Prepare an Annual Settlement for the Fiscal Court within 30 days of the Close of the Fiscal year.

Countersign checks if the following conditions exist:

Claim approved by the Fiscal Court;

- i. If there is adequate cash in the bank to cover the check;
- ii. If there is an available free balance in the appropriation account to cover the check.

Reconciles checking and investment accounts to bank balances.

County funds shall be paid only by order of the Fiscal Court.

No expenditures may be made in excess of revenues or for purposes Other than appropriated.

No appropriations may be made which exceed adopted budget amounts.; however, if so, transfers will be approved by the Fiscal Court

The County Treasurer shall maintain a General Ledger in which all transactions are entered, either in detail or summary. Each fund (General Fund, Road Fund, and others) has a complete balancing set of General Ledger Accounts. Control accounts are established for the Cash Receipts Register and the Appropriations Expenditure Ledger.

The County Treasurer shall collect and receipt county revenue.

The County Treasurer shall maintain an Appropriation Expenditure Ledger. This ledger is a group of accounts supporting in detail the appropriation and expenditure accounts of the General Ledger. An account must be provided for each appropriation made in the budget. The original shall be entered and all amendments and transfers authorized by order of the Fiscal Court. All expenditures shall be charged to an appropriation expenditure account.

The County Treasurer shall maintain a Notes Payable Register which provides information on notes for temporary loans in anticipation of the current year's revenue, indicating the principal amount, interest rate, due date, fund, and other necessary details.

The County Treasurer shall maintain a Bond Register which records the history and authorization of each bond issue, whether general obligation bonds, revenue bonds, or special levy bonds. A separate sheet shall be prepared for each issue.

The County Treasurer shall assist the Judge/Executive in preparation of the budget.

The County Treasurer shall ensure compliance with applicable tax and reporting requirements.

The County Treasurer shall monitor and document encumbrances, said encumbrances shall be compiled, reported as supplement to the quarterly report to State Local Finance Officer.

The County Treasurer shall maintain a list of county assets for insurance purposes and in addition, those assets to be capitalized/depreciated.

The County Treasurer is responsible for County Credit Card storage, issuance, and compliance with county credit card policy

Procedures for Finance/Payroll Officer

The Finance/Payroll Officer shall maintain responsibility for oversight and proper administration of the county's payroll. He/she must also keep the following records:

- i. Payroll Check Distribution Ledger
- ii. Payroll Accounts Payable Ledger
- iii. Employee Payroll Ledger

The Finance/Payroll Officer shall maintain a Payroll General Ledger, which transactions are entered, either in detail or in summary.

The Finance/Payroll Officer shall maintain an individual Earnings Record for each employee, including gross earnings, deductions, and net pay at the time completed.

The Finance/Payroll Officer shall ensure compliance with applicable federal, state and local tax and reporting requirements.

Finance/Payroll Officer shall be responsible for the following duties:

- i. Manage and maintain employee files
- ii. Track and manage employee leave balances
- iii. Comply with Department of Labor standards

The Finance/Payroll Officer shall maintain responsibility for oversight and proper administration of the county's accounts payable. He/she must also keep the following records as required by the Uniform system of accounts for Kentucky counties:

- i. Distribution Ledger
- ii. Appropriations Ledger
- iii. Accounts for each individually:
 - a. *General Fund*
 - b. *Road Fund*

- c. *Jail Fund*
- d. *LGEA fund*
- e. *Solid Waste Fund*
- f. *Landfill Fund*
- g. *Payroll and Net Profit Tax Fund*
- h. *County Clerk Fund*
- i. *Special Fund-Industrial Development*
- j. *Opioid Abatement Fund*
- k. *Federal Grants Fund*

The Finance/Payroll Officer shall receive all county claims and prepare a master claims list for presentation to the Fiscal Court.

The Finance/Payroll Officer shall issue purchase orders and maintain a purchase order register.

The Finance/Payroll Officer shall maintain a Cash Receipts Register containing columns for total cash received, source of revenue, and miscellaneous revenue for each fund.

County funds shall be paid only by order of the Fiscal Court.

No expenditure may be made in excess of revenues or for the purpose other than appropriated.

No appropriations may be made which exceed adopted budget amounts.; however, if so, transfers will be approved by the Fiscal Court.

The Finance/Payroll Officer shall prepare year end 1099's/W'2s and ensure compliance with applicable federal, state and local tax and reporting requirements.

W'2s, and 1099's will be submitted electronically for Federal tax.

Procedures for Administration of the Budget

The County Judge/Executive shall administer the county budget as provided by law.

At the beginning of each fiscal year. The total amount of the appropriation represents the "free balance", or unused appropriations amount for each account. As expenditures are made during the year, the amount of the expenditure is subtracted from the free balance to keep an accurate record of the exact amount of the unused appropriation at the time.

The Judge/Executive shall write and sign all warrants directing the County Treasurer to make a payment authorized by the Fiscal Court and maintain a record of such warrants.

Claims Against the County

The County Judge/Executive shall account for all claims against the county.

All claims for payment from the county shall be filed in writing and in a form prescribed by the County Judge/Executive.

Each order of the Fiscal Court approving a claim shall designate the budget fund and classification from which claim will be paid and each warrant shall specify the budget fund and classification.

Each order of the Fiscal Court disapproving a claim shall state the reason/s for disapproval.

The payroll for the county officials and regular county employees, as well as other recurring payments that the Fiscal Court may designate by standing order shall not require monthly Fiscal court approval, as prescribed by KRS.68.275.

The County Judge/Executive signs the approved warrants. The warrant, when signed by the County Treasurer, becomes a check in the bank. The bank cannot pay a warrant without the signature of both the Treasurer and the Judge/Executive. In the absence of the Judge/Executive, a fiscal court approved designee can sign the approved warrant.

Records and Reporting

Each county agency shall maintain the following records:

- i. financial record of the agency containing the amount budgeted for the year
- ii. the amount expended to date
- iii. the balance available.

Each administrative agency shall submit a detailed annual budget to the county Judge/Executive within the time limits established by the Judge/Executive.

PROCEDURES FOR ADMINISTRATION OF COUNTY ASSETS AND INVENTORY

Asset Inventory Accounting Records and Procedures

For purposes of internal control, an asset inventory listing must be maintained for all asset purchases/donations in accordance with the Fiscal Court Capitalization Policy.

The asset inventory listing should provide the following detail:

- i. Property tag number
- ii. Asset description
- iii. Serial number (if applicable)
- iv. Quantity (if applicable)
- v. Cost (or FMV* of donated asset at date of donation)

- vi. Date of acquisition
- vii. Date of disposal (track all disposals for the entire fiscal year)
- viii. Property Location

Note: The Asset Inventory Listing will include assets reported on the Capital Asset Listing, with the exception of infrastructure assets.

Each county office should maintain a current Asset Inventory Listing summarizing the above.

Procedures:

1. Record - An asset inventory record should be prepared for each asset acquisition in accordance with the county's capitalization policy. The asset inventory record must identify the asset (ex: description, serial number), cost (or FMV of donated asset at date of donation), date acquired, date of disposal, property location, and other information.
2. Inventory - An annual physical inventory of property and equipment shall be conducted on or before June 30th. Physical counts must be compared to the master asset inventory listing. Resulting differences must be reconciled, explained and documented.
3. Updating - The asset inventory listing should be updated for all additions, disposals, and property location changes, etc. Authorization must be given to appropriate accounting personnel for asset record and asset inventory listing modifications.

FMV = Fair Market Value

Capital Asset Documentation and Procedures

Capital assets are those items purchased or received that exceed the capitalization threshold as determined by the fiscal court in the capitalization policy and having a useful life greater than one year. Examples include infrastructure (roads, streets, bridges, sewer, waterlines, and sidewalks), vehicles, buildings, land, equipment, furnishings, and other items.

Maintenance of records for fixed assets which fall into any of the following three categories is a requirement of the Uniform System of Accounts for Kentucky counties:

1. Real Estate (land and buildings)
2. Motor Vehicles (including road equipment)
3. Any other fixed assets that meet or exceed the capitalization policy set by the Fiscal Court

Capital asset records are necessary for proper asset valuation, adequate and accurate insurance coverage, internal control, and long-range planning for property replacement. Capital asset records should include the following:

1. Description of Asset (include quantity where applicable)
2. Historical cost of the asset (use FMV at date of donation for assets acquired via

donation)

3. Date of acquisition
4. Date of capital improvement (capitalize costs which significantly improve the asset by extending life or greatly improving performance)
5. Date of disposal
6. Useful life of asset
7. Salvage value, if any (or guaranteed residual value if applicable per lease agreement)
8. Depreciation expense/accumulated depreciation (depreciation is required for all depreciable assets per GASS No. 34)
9. Proceeds from sale or disposal of assets (maintain documentation for trade-in allowances, or assets deemed obsolete)

All contracts, invoices, purchase orders and authorizations, vendor bidding documentation, receipts, deeds, etc. must be maintained / filed with the asset documentation records.

Each county office should maintain a current Master Capital Assets Listing summarizing the above.

Procedures:

1. Record - The capital asset record must identify the asset, cost, date acquired, fund charged, location and other information. If the asset is acquired through donation, the basis of valuation will be the fair market value at the time of donation.
2. Capital Asset Listing - An annual review of asset addition and disposal records, as well as depreciation calculation, should be reconciled to the Master Capital Asset Listing to verify accuracy. Resulting differences must be reconciled, explained and documented. The master listing will be needed by the auditor for preparation of the audited financial statements.
3. Updating - A capital asset record should be prepared for each acquisition. Deletion, sale, or disposal of capital assets must be approved by authorized personnel and documented accordingly. Each capital asset, with the exception of land (do not depreciate land), should be depreciated annually using the adopted depreciation method. Useful life and salvage value must be considered when calculating depreciation. Note: once the adopted depreciation method is used, it should be consistently applied in future years.

FMV = Fair Market Value

PURCHASING AND CONTRACTS

Procurement

The County Judge/Executive or his/her designee shall be responsible for the performance and administration or procurement function for county government, as set

forth in KRS 424.260 and requirements established by the State Local Finance Officer.

Any purchase of less than the amount set forth in the KMPC (Kentucky Model Procurement Code) state guidelines shall be deemed a small purchase.

Small purchases shall be made in the open market. Every effort should be made to get the lowest and best price and to share the business among responsible vendors. Quotes are to be taken for most small purchases.

The Fiscal Court follows the KMPC state guidelines on expenditure amounts.

Sealed Bidding Procedures

Sealed bidding procedures shall be followed under the circumstances, conditions, and in the manner as set forth in KRS 424.260.

The agency, department, official, or person requiring a contract or purchase from county funds not covered by small purchase procedures shall submit to the Judge/Executive a written request containing specifications, quantities, and delivery desired.

The Judge/Executive shall report the request to the Fiscal Court with a statement of need, the approximate cost and whether or not the expenditure is provided for in the budget.

The Fiscal Court shall examine the request and approve or reject it. If the request is approved, the Fiscal Court shall set any evaluation factors to be considered in the bid selection. If any items to be purchased are on State Price Contract, the bid selection process is not necessary.

The Judge/Executive shall place an appropriate advertisement in the newspaper and shall open all bids publicly at the time and place stated in the advertisement.

The Judge/Executive shall submit all responsive bids to the Fiscal Court that shall select the lowest and/or best bid by a qualified bidder. The Judge/Executive shall notify the bidders of the award.

The Judge/Executive shall sign a contract or issue a purchase order with the one receiving the award.

Cancellation of any invitation to bid upon a written determination that such action is in the best interest of the county.

Inspection of the place of business, any operation, and the examination of any financial information of any offeror engaged in the negotiated process with the county; and completion of an audit to be made of any contractor under a negotiated contract.

Procedure for the Prerequisite to the use of Negotiated Procurement

Negotiated procedures may be used under the following circumstances:

- i. An emergency exists, and has so been declared and documented.
- ii. The contract is for professional services.
- iii. All bids received exceed the amount budgeted.

COUNTY ROAD DEPARTMENT

Personnel

There is hereby created and established a County Road Department consisting of a County Road Supervisor, Assistant Supervisor and such other employees of said department as may from time to time be provided for by the County Judge/Executive and Fiscal Court.

The County Road Supervisor shall be appointed by the County Judge/Executive with the consent of the Fiscal Court as provided in KRS 179.020.

The Fiscal Court shall set the number and compensation of all employees of the Road Department.

All appointments to the Road Department, and removals there from, shall be made by the County Judge/Executive, with the approval of the Fiscal Court, in accordance with the provisions of state law and the county personnel policy.

Duties of the Road Supervisor

The County Road Supervisor shall be the head of the Road Department subject to the order and direction of the County Judge/Executive.

The County Road Supervisor shall keep such records and make such reports concerning the activities of his/her departments as may be required by KRS Chapter 179, this Administrative Code or by the County Judge/Executive.

The County Road Supervisor shall be responsible for the performance of the Road Department and of its functions, and all persons who are employees of the Road Department shall be subject to the supervision and direction of the County Road Supervisor.

County Road Inventory

The County Road Supervisor shall prepare a current inventory of the county road system.

The County Road Inventory shall include the following information for each county road:

- i. Road number and name
- ii. Road length
- iii. Type of surface and width
- iv. Beginning and ending points
- v. Number of homes
- vi. Value
- vii. Date last widened / resurfaced

The County Judge/Executive, and the County Road Supervisor shall annually prepare and submit to the Fiscal Court for approval, a county road plan which shall provide for the expenditure of county road funds and set priorities for the construction and maintenance of county roads and bridges.

FISCAL COURT PROCEDURES

Meetings

Regular meetings of the Mercer County Fiscal Court shall be held on the 2nd and last Tuesday of each month at 10:00 a.m. Regular Fiscal Court meetings may be changed with Fiscal Court approval to accommodate holidays, Election Day or special circumstances. News media must be notified as to the change of a regular meeting date.

Provided, however, that if the regular meeting day of the date falls on a legal holiday, the meeting shall take place on an agreed upon date determined by the Fiscal Court.

All meetings of the Fiscal Court at which any public business is discussed or any action taken shall be open to the public at all times except as otherwise permitted by KRS 61.810.

The County Judge/Executive may call a special meeting of the Fiscal Court for the purpose of transacting any business over which the Fiscal Court has jurisdiction.

Whenever a special meeting is necessary and the Judge/Executive is unable, or refuses to act, a majority of the Fiscal Court may call it, if, in their opinion, the need exists.

The Judge/Executive or a majority of the Fiscal Court may call a special meeting by delivering notice personally, or by mail. Said notice should be given to each member and to each local newspaper of general circulation.

Notice of special meetings must be delivered at least twenty-four (24) hours prior to the time of the meeting as specified in the notice.

If time does not permit giving twenty-four (24) hour notice, then notice that is reasonable under circumstances and calculated to inform the public shall be given the news media and the public.

It shall be the responsibility of the County Judge/Executive to prepare and distribute the proper notices.

Presiding Officer

The County Judge/Executive shall be the presiding officer of the Fiscal Court at all regular and special meetings.

If the County Judge/Executive is not present or able to preside, the designated Judge Pro-Tem shall assume said responsibility.

Quorum

Not less than a majority of the members of the Fiscal Court shall constitute a quorum for the transaction of business.

No proposition shall be adopted except with the concurrence of at least a majority of the members present.

Disturbing Meetings

It shall be unlawful to disturb any meeting of the Fiscal Court or to behave in a disorderly manner at any such meeting.

Any person violating any provision of this section may be prosecuted under the appropriate provisions of the Kentucky Penal Code.

Order of Business

The County Judge/Executive shall have prepared an agenda for each Fiscal Court meeting. Persons or Groups wishing to address the Fiscal Court must give written notice to the Judge Executive at least 24 hours prior to the meeting. Individuals are limited to three minutes; special interest groups shall have one spokesperson address the Court who is limited to five minutes. Speakers are not permitted to poll magistrates individually to ask how they will vote on any particular matter. Presentations for educational purposes as determined by the Judge Executive may be allowed more time. The Fiscal Court is subject to the provisions of the open meeting law KRS 61.805 - 61.850.

The County Judge/Executive shall prepare an itemized list of all valid bills requiring Fiscal Court approval. Such list shall accompany the agenda prepared and delivered by the County Judge/Executive pursuant to section 650.1 above.

No bills shall be approved for payment unless contained in the itemized list for the meeting.

The Fiscal Court may approve payment of the list of valid bills as a whole unless there is an objection voiced to any specific item.

Fiscal Court Records and Minutes

The Clerk of the Fiscal Court or his/her designee shall attend all meetings of the Fiscal Court and keep a full and complete record of its proceedings.

The Clerk of the Fiscal Court shall keep an index of all Fiscal Court records and make such index and records available for public inspection in accordance with KRS 61.870 to 61.884.

Rule of Order

Except when in conflict with the forgoing provisions, Roberts Rules of Order shall govern the deliberations of the Fiscal Court.

The Rules of Order, other than those required by statute, may be suspended at any time by consent of a majority of the members present at the meeting.

County Ordinances, Order, and Resolutions

The county ordinance is an official act of the Fiscal Court of a general and lasting nature that is enforceable with the jurisdiction of the county or a lawful appropriation of money.

All county ordinances shall be adopted in conformity with KRS 67.075 to 67.077, except that emergency ordinances may be adopted as provided in KRS 67.078.

A court order is an official act of the Fiscal Court of a more transient nature than that of an ordinance.

Court orders may be passed by a majority vote of the members of the Fiscal Court present, provided there is a quorum present (KRS 67.078).

Court orders shall be used to direct the County Judge/Executive or a county employee to perform the acts desired by the Fiscal Court.

Court resolutions express the position of sentiment of the Fiscal Court about a particular subject and may be transmitted to some individual or body to convey that position or sentiment. A resolution may be adopted by a majority of the members of the Fiscal Court present, provided there is a quorum present.

PERSONNEL POLICIES AND PROCEDURES

The Fiscal Court shall adopt Personnel Policies and Procedures for Mercer County. The latest, approved version by the Mercer County Fiscal Court shall be utilized. All updates shall be kept on file at the Judge/Executive's office and provided to all employees.

Adopted by the Mercer County Fiscal Court on May 14, 2024



Sarah Steele, Judge/Executive

Attest:



Missey Ellis, Fiscal Court Clerk