

ORDINANCE NO. 11-16

AN ORDINANCE TO THE CITY OF SOMERSET AMENDING ORDINANCE NO. 81-3 (WHICH EXPRESSLY REPEALED ORD. 365, THE ORIGINAL CITY ORDINANCE ADOPTING THE WARD SYSTEM AS SET FORTH IN KRS), AND AMENDING ORDINANCE NO. 85-2 (WHICH EXPRESSLY AMENDED PORTIONS OF ORD. 81-3 AS WELL AS ORD. 82-6 REGARDING THE NUMBERING OF WARDS) PURSUANT TO KRS 83A.100 AND ALL OTHER APPLICABLE LAW;

Whereas, KRS 83A.100 allows a legislative body to divide a city into wards by ordinance; and

Whereas, such a division into wards was done originally in city Ordinance No. 365, and thereafter repealed and replaced by Ordinance No. 81-3; and

Whereas, the wards were most recently *properly* amended in Ordinance No. 85-2 (which amended both Ordinance No. 81-3 and 82-6, both described above); and

Whereas, KRS 83A.100 requires that wards created by ordinance(s), such as those described above, be reviewed *as necessary* to ensure that populations are as *nearly equal as practicable*; and

Whereas, KRS 83A.100 further states that such a review *shall* be performed to ensure equalization in the wards *at least as often* as each *regular federal census*; and

Whereas, according to official records of the City, such a review has not performed by the legislative body since 2001, and an amendment to the official Wards has not been *properly* enacted since 1985, and that a Federal Census was completed in 2000 and released in 2001, and further a second Federal Census has been completed in 2010 and released in 2011; and

Whereas, per KRS 83A.100, there is no designation or provision as to who should perform the required review of wards for equalization and therefore the task was taken on by the city itself, through the City Planner and the City Attorney, at the request of the Executive Authority of the City, the Mayor; and

Whereas it is the City Planner and the City Attorney's official position that current wards are *not* as equal in population as practicable; and

Whereas it is the City Attorney's official legal opinion that the council has a duty by law to amend said wards by ordinance to comply with KRS 83A.100 either by adopting the city prepared map, *or* by completing a map of their choosing, so long as such complies with all applicable law and is based on population set forth in the most recent federal census;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SOMERSET, PULASKI COUNTY, KENTUCKY, AS FOLLOWS:

Section I: That Ordinance No. 85-2 is hereby amended in order to comply with local, state, and federal law, in order to ensure the City is in compliance with KRS 83A.100, and all other applicable law.

Section II: Council hereby adopts the attached exhibit, attached hereto as Exhibit "A" and incorporated in full by reference herein, which brings the City into compliance with local, state, and federal law, including but not limited to KRS 83A.100.

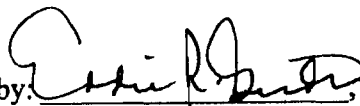
Section III: If any section or provision of this Ordinance is declared invalid by a court of competent jurisdiction for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

Section IV: This Ordinance expressly repeals and/or amends previous ordinances and actions of the legislative body as set forth in the introduction of this Ordinance, referred to and incorporated in this section in full by reference.

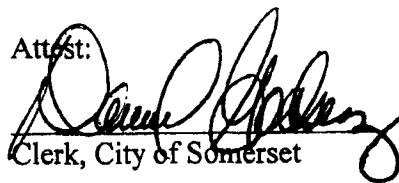
Section V: This Ordinance shall be in full force and effect from and after its passage, publication and recording, according to law.

First Reading- October 3, 2011

Second Reading- October 10, 2011

Approved by: , Mayor

Attest:

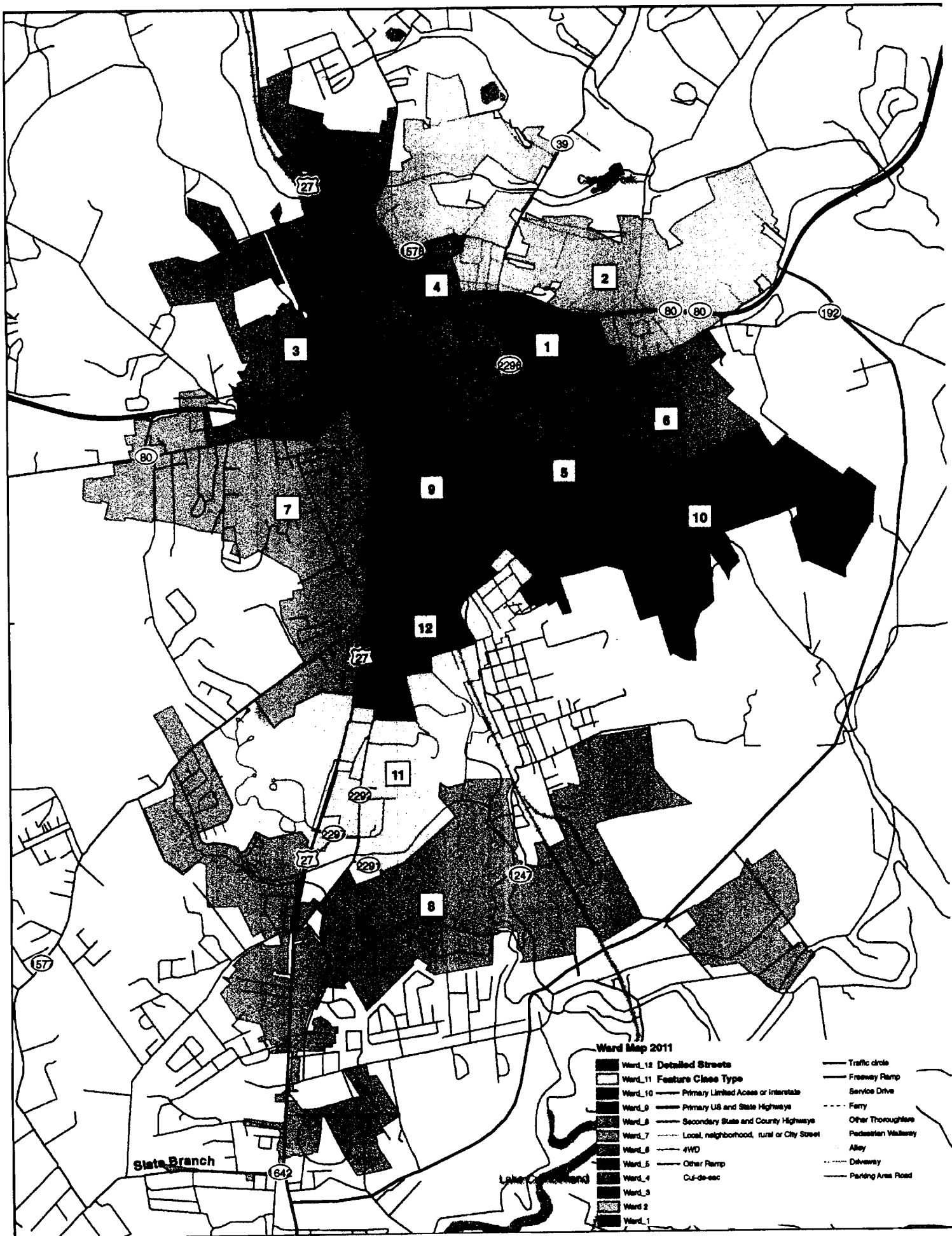

Clerk, City of Somerset

83A.100 Division of city into wards -- Nomination and election of legislative body members.

- (1) The legislative body of a city may by ordinance divide the city into the same number of wards as the number of legislative body members. Wards shall be as nearly equal in population as practicable and their boundaries shall be fixed by the ordinance.
- (2) The populations of wards shall be reviewed as necessary to insure that populations are as nearly equal as practicable, but the populations of wards shall be reviewed for equalization at least as often as each regular federal census.
- (3) Wards may be abolished by repeal of the ordinance creating them. No creation, alteration or abolition of wards shall occur within two hundred forty (240) days preceding a regular election.
- (4) If a city is divided into wards, legislative body members shall be nominated and elected in the following manner:
 - (a) Members shall be elected in the regular November election at large, but each candidate shall reside in the ward he seeks to represent and shall be elected in such a manner that each ward is equally represented on the legislative body. The names shall be presented in the election to show for which ward each candidate is seeking election and voters shall be instructed to "vote for one candidate in each ward." The candidate receiving the highest number of votes cast in each ward shall be deemed to be elected from such ward.
 - (b) Persons seeking the nomination of a political party for the office of legislative body member where a primary election is required for the political party, shall be voted upon exclusively by the eligible voters of the ward in which the person resides and seeks to represent.

Effective: July 13, 1990

History: Amended 1990 Ky. Acts ch. 366, sec. 6, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 360, sec. 22, effective July 15, 1982; and ch. 434, sec. 9, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 235, sec. 10, effective July 15, 1980.



Ward Map 2011

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| <ul style="list-style-type: none"> Ward_12 Detailed Streets Ward_11 Feature Class Type Ward_10 Primary Limited Access or Interstate Ward_9 Primary US and State Highway Ward_8 Secondary State and County Highways Ward_7 Local, neighborhood, rural or City Street Ward_6 4WD Ward_5 Other Ramp Ward_4 C-U-de-sec Ward_3 Ward_2 Ward_1 | <ul style="list-style-type: none"> Traffic circle Freeway Ramp Service Drive Ferry Other Thoroughfare Pedestrian Walkway Alley Delveary Parking Area Road |
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