

## Broeck Pointe City Code

### 200.0 Administration

#### 210.0 Administrators and Manager

##### 210.1 Defense and Indemnification of City Officers and Employee

Section 1: For Purposes of this Code Section, the following definitions shall apply unless the context clearly requires a different meaning:

- (a) "action in tort" shall mean any claim for monetary damages based upon negligence, intentional tort, nuisance, products liability and strict liability and shall also include a wrongful death or survival-type action;
- (b) "officer" shall mean any elected official of the City of Broeck Pointe, City Clerk, City Treasurer, City Tax Collector, City Engineer, Chief of Police and the Attorney for the City;
- (c) "employee" shall mean all full and part-time employees of the City of Broeck Pointe, but shall not include any independent contractor or an employee, agent, supplier or sub-contractor of any independent contractor.

Section 2: Except as provided in Section 5 hereof, the City shall, without cost to the officer or employee, provide for the legal defense of any officer or employee in any action in tort arising out of an act or omission occurring within the scope of the officer's or employee's employment or public duties with the City.

Section 3: The City may provide for the defense of any officer or employee through its own legal counsel or by employing independent legal counsel or by purchasing insurance which requires the insurer to defend. If the City defends through its own legal counsel and its legal counsel determines that the interests of the officer or employee and the City's conflict, the City shall obtain the written consent of the employee for such representation or shall provide independent representation. An employee may have his/her own legal counsel to assist in the defense at the expense of the employee.

Section 4: Upon receiving service of a summons and complaint in any action in tort brought against him/her, an officer or employee shall, within ten (10) days of his receipt of service, give written notice of the claim and make a request that the City provide a defense to the action. The notice of claim and request for defense shall be filed with the Mayor.

Section 5: The City may refuse to provide for the defense of any action in tort brought against an officer or employee of the City if it determines and notifies the employee in writing that:

- (a) The act or omission was not within the actual or apparent scope of the employee's employment;
- (b) The employee acted or failed to act because of fraud, malice or corruption; or
- (c) A timely request to defend was not made in accordance with Section (4) of this Ordinance.

Section 6: If the City refuses to provide an officer or employee with a defense and the officer or employee provides his/her own defense, the officer or employee shall be entitled

## Broeck Pointe City Code

to recover all necessary and reasonable costs of said defense from the City if the act or omission is judicially determined to have arisen out of the actual or apparent scope of the employee's employment and the employee is found to have acted without fraud, malice or corruption.

Section 7: Subject to the limitations set forth in Section 8 below, and provided that the City shall not pay any award of punitive or exemplary damages, the City shall pay any judgment rendered against an officer or employee in action in tort, or any compromise or settlement of such action.

Section 8: The City may refuse to pay any judgment, compromise or settlement in any action in tort against an officer or employee, or if the City pays any judgment, compromise or settlement, it may recover from the officer or employee the amount of such payment and the costs to defend, if:

- (a) The officer or employee acted or failed to act because of fraud, malice or corruption;
- (b) The action was outside the actual or apparent scope of the employee's employment;
- (c) The employee willfully failed or refused to assist the defense of the action; or
- (d) The employee compromised or settled the claim without the consent of the City Commission.

Section 9: An officer or employee who is being provided a defense in an action in tort by the City shall not enter into any compromise or settlement of the action without the approval of the City Commission.

Section 10: Nothing in this Ordinance shall be construed as a waiver of any defense which the City may assert in any action in tort brought against it or any officer or employee of the City. Defense by the City of any action shall not be deemed an admission by the City that the acts of the officer or employee were within the actual or apparent scope and course of such person's office or duties.

[Ordinance No. 2, Series 1986, effective February 4, 1986]

### 220.0 Finance, Revenue and Accounting

#### 220.1 Ad Valorem Tax

Section 1: An Ad Valorem tax is hereby imposed upon all lands, improvements, held or owned by any person, corporation or association in any name, or as agent subject to taxation under the laws of Kentucky.

Section 2: All Ad Valorem property taxes shall be paid to the City Tax Collector.

Section 3: The City Commission shall set the tax levy for the Ad Valorem tax not later than the first day of September of each year.

## Broeck Pointe City Code

### 220.11 Ad Valorem Tax for the Fiscal Year Ending June 30, 2023

Section 1: An Ad Valorem tax for the fiscal year ending June 30, 2023, is hereby levied and fixed at the rate of twenty-one and 5/10 (21.5) cents on each one hundred (\$100.00) dollars of all real estate within the corporate limits of the City of Broeck Pointe as assessed taxation by the Jefferson County Property Valuation Administrator.

Section 2: Said tax shall be and payable and subject to the discounts and penalties as provided in Ordinance No. 1, Series 2022.

Section 3: The proceeds of such taxes, penalties, and interest shall be used for the general operating expenses of the City, including the purchasing of supplies, erection of City signs, and general maintenance of public ways in the City, payment of bond premiums for City officials, sanitation, public safety, and the payment of all necessary expenses incurred in the necessary and proper municipal functions as may be properly ordained and resolved by the City Commission.

### 220.2 Adoption of Jefferson County Property Valuation Administrator Assessment

Pursuant to KRS 92.520(4) and KRS 132.285, the City hereby adopts and elects to use the annual County assessment for property situated within the City as a basis of Ad Valorem tax levies ordered or approved by the City Commission.

### 220.3 Due Dates and Discount Periods

Section 1: City of Broeck Pointe ad valorem taxes are payable on or before December 31, occurring with the fiscal year for which bills are made out.

Section 2: The payment of bills shall be subject to the discounts and penalties below and the collections remedies as provided by law.

(a) A discount of 30% shall be allowed on tax bills paid through November 30, of that fiscal year.

(b) The face amount of the tax bill shall be payable during the month of December of that fiscal year.

On tax bills paid on or after January 1, of that fiscal year, there shall be added thereto a penalty of 10% of the tax due, with compounded interest from January 1, at 1 1/2% per month or part thereof, or \$45.00 if the penalty and interest is less than this amount, plus any court costs or other legal fees, lien filing and release fees.

(c) Checks returned for insufficient funds shall incur a \$40.00 returned check fee plus billing based upon the date in which valid payment is made.

(d) The postmark on the envelope shall serve as the determiner when a tax payment is received following a deadline date.

(e) Should November 30, or December 31, fall on a Sunday, envelopes postmarked the next business day will be considered received by the deadline date.

[Ordinance No. 1, Series 2022, effective June 2, 2022]

## Broeck Pointe City Code

### 220.4 Budget Procedures

Section 1: The following standards shall apply to the form and detail in which the annual budget proposal of the City should be prepared.

Section 2: The annual budget proposal shall detail the raising of revenue from all sources, including grants and transfers, and the spending of money for specified programs, functions, activities or otherwise of the City, including all principle and interest due on debt, for the budget year. The total of anticipated revenues shall equal or exceed the total expenditures.

Section 3: The form of the annual budget proposal shall be consistent in form, to the extent practical, with the accounting system of the City.

Section 4: The annual budget proposal shall provide a complete program and financial plan for all funds for the budget year. It shall contain:

- (a) A budget message as specified in KRS 91A.030 (7).
- (b) A budget summary, as specified in Section 5 of this Ordinance, supported by:
  - i. An estimate of funds and balances carried forward as specified in Section 6 of this Ordinance.
  - ii. An estimate of all anticipated revenues in the City as compared to previous years, as specified in Section 7 of this Ordinance.
  - iii. Proposed expenditures compared to previous years, as specified in Section 8 of this Ordinance.
  - iv. An estimate of the anticipated transfers, as specified in Section 9 of this Ordinance.

Section 5: Budget Summary. At the head of the annual budget proposal there shall appear a summary of the budget, which need not be itemized further than by principal sources of anticipated revenue, and proposed expenditures by program, function, activity or objectives of the City, in such a manner as to present a simple and clear summary of the detailed estimates of the budget components.

Section 6: Fund Balance Carried Forward. Each fund balance available for appropriation shall be limited to the amount by which assets are estimated to exceed liabilities at the beginning of the budget year.

Section 7: Anticipated Revenues, Comparison with Other Years. In parallel columns there shall be placed

- (a) The amount of each such item actually received during the next preceding fiscal year; and
- (b) The amount of each item actually received to the time of preparation of the annual budget proposal, plus anticipated receipts for the remainder of the current fiscal year estimated as accurately as possible; and

## Broeck Pointe City Code

- (c) The amount of each item anticipated to be received during the budget year, estimated as accurately as possible.

Section 8: Proposed Expenditures, Comparison with Other Years. In parallel column, opposite the several items of proposed expenditures, there shall be placed:

- (a) The amount of each such item actually expended during the next preceding fiscal year; and
- (b) The total of the amount actually expended to the time of the preparation of the annual budget proposal plus the expenditures for the remainder of the current fiscal year as accurately as possible; and
- (c) The amount of each item to be appropriated for the budget year.

Section 9: Anticipated Transfer from Other Funds. Any anticipated excess revenues, if legally available for general purposes and to the extent such excess is to be used to support other funds, shall be stated as a transfer item in the annual budget proposal.

### 220.5 Fiscal Year

The Fiscal Year of the City shall begin on July 1 of each year and end the following June 30.

### 220.6 Insurance License Fee (Insurance Premium Tax)

Section 1: There is hereby imposed on each insurance company a license fee for the privilege of engaging in the business of insurance within the corporate limits of the City of Broeck Pointe, Kentucky for the calendar year 1993 and thereafter on a calendar year basis.

Section 2: The license fee imposed on each insurance company which issues life insurance policies on the lives of persons residing within the corporate limits of the City of Broeck Pointe, Kentucky shall be 5% of the first year's premiums actually collected within each calendar quarter by reason of the issuance of such policies.

Section 3: The License fee imposed upon each insurance company which issues any insurance policy which is not a life insurance policy shall be 5% of the premiums actually collected within each calendar quarter by reason of the issuance of such policies on risks located within the corporate limits of the City of Broeck Pointe, Kentucky on those classes of business which such company is authorized to transact, less all premiums returned to policyholders; however, any license fee or tax imposed upon premium receipts shall not include premiums received for insuring employees against liability for personal injuries to their employees, or death cause thereby, under the provisions of the Worker's Compensation Act and shall not include premiums received on policies of group health insurance provided for state employees under KRS 18A.225(2).

Section 4: All license fees imposed by this ordinance shall be due no later than thirty (30) days after the end of each calendar quarter. License fees which are not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6).

## Broeck Pointe City Code

Section 5: Every insurance company subject to the license fees imposed by this ordinance shall annually, by March 31, furnish the City of Broeck Pointe, Kentucky with a written breakdown of all collections in the proceeding calendar year for the following categories of insurance: (a) casualty; (b) Automotive; (c) inland marine; (d) fire and allied perils; (e) health; and (f) life.

Section 6: The City Clerk of the City of Broeck Pointe, Kentucky is hereby directed to transmit a copy of this ordinance, and any amendment thereto, to the Commissioner of Insurance, Commonwealth of Kentucky.

Section 7: This ordinance shall become effective on the first day of January, 1993.

### 230.0 Personnel

#### 230.1 Affirmative Action Program

Section 1: Statement of Policy. The affirmative action policy of the City is to promote equal employment opportunity; to prohibit discrimination in employment on account of race, color, religion, natural origin, sex, age, or handicapped status; and to bring about fair representation and utilization of females and minorities in all levels of City employment.

Section 2: Dissemination of Policy. The City will advise all employees and applicants for employment of this policy and will post it in a conspicuous place. The City will make known to the public that employment opportunities are available on the basis of individual ability and will encourage all persons who are employed by the City to strive for advancement on that basis.

Section 3: Personnel Actions. The City will actively recruit qualified or qualifiable persons among females and minorities on a non-discriminatory basis for all available job openings at every level: and the City will ensure every employee equal treatment in respect to terms and conditions of employment, job assignments, compensation, access to training, and promotions.

Section 4: Work Force Utilization: Goals and Timetables. The City will analyze the utilization of females and minorities in its workforce and compare it with the utilization by all employers in the City according to the latest official census. The goal of the City is to bring about comparable utilization in all categories within the next five (5) years.

Section 5: Responsibility for Implementation. The Mayor shall be responsible for implementation of this affirmative action plan, including maintenance of the work force analysis and job roster and hearing complaints of discrimination by any employee or prospective employee of the City, with a final appeal to the City Commission.

Section 6: Evaluation and Reports. The person given responsibility for implementation of this plan shall examine its operation periodically and shall report the progress being made, together with recommendations for improvement in the plan, to the City Commission at least once a year.

## Broeck Pointe City Code

### 240.0 Purchasing, Sales and Contracts

#### 240.1 Contracts

Section 1: Every contract of the City shall be authorized or approved by the City Commission and signed by the Mayor.

Section 2: No contract or purchase shall be made which is at variance with the annual budget as adopted or amended.

Section 3: No emergency shall be declared for the purpose of making purchases over seven thousand five hundred (\$7500.00) dollars without advertising for bids except upon written recommendation of the Mayor and an affirmative vote of a majority of the members of the City Commission.

### 250.0 Legal Counsel

#### 250.1 Legal Counsel

Section 1: In lieu of establishing an office of City Attorney, the City may retain a licensed attorney as Legal Counsel, such attorney to be selected by the City Commission and subject to removal at the pleasure of the City Commission.

Section 2: Legal Counsel may be legal adviser to the City officials and the City Commission and may render service on all legal questions affecting the City, whenever requested or approved to do so by any City Official. Upon request or approval by the Mayor or City Commission, he/she shall reduce any such opinion to writing. The duties of legal counsel may comprise the following:

- (a) Legal Counsel may prosecute or defend all suits or actions at law or equity to which the City may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the City, on behalf of the City, or in the capacity of such person as an officer of the City.
- (b) To see to the full enforcement of all judgments or decrees rendered or entered in favor of the City and of all similar interlocutory orders.
- (c) He/she may see to the compilation of all special assessment proceedings and condemnation proceedings.
- (d) He/she may draft or supervise the phraseology of any contract, lease or other document or instruments, to which the City may be a party; and upon request of the City Commission, to draft ordinances covering any subjects within the power of the City.
- (e) He/she may perform such other duties as are prescribed by ordinance.

Section 3: Legal Counsel shall receive compensation for services as fixed by contractual agreement between City and Legal Counsel.

### 260.0 Engineering [See 130.6]

Broeck Pointe City Code