

**LUDLOW ORDINANCE NO. 2025-4**

**AN ORDINANCE OF THE CITY OF LUDLOW, KENTUCKY,  
ADDRESSING EXCESSIVE ABSENCES BY CITY COUNCIL  
MEMBERS**

**WHEREAS**, the City of Ludlow, Kentucky is authorized under Kentucky Revised Statutes (KRS) § 83A.060 to establish rules and regulations governing the attendance and conduct of its City Council Members; and

**WHEREAS**, the City of Ludlow, Kentucky is authorized and required to establish a code of ethics for City Council Members under KRS 65.003(3)(a); and

**WHEREAS**, Excessive Absences by City Council Members of the City of Ludlow can result from incapacity or other reasons, and ultimately constitute a willful neglect of performance of City Council Members' duties of office; and

**WHEREAS**, the City Council of Ludlow has determined that Excessive Absences by its members can hinder the effective functioning of the Council and undermine the public trust; and

**WHEREAS**, KRS 83A.040(7) and (9) provide that any elected officer, in case of misconduct, incapacity, or willful neglect of performance of the duties of his or her office, may voluntarily resign or be removed from office by unanimous vote of the legislative body exclusive of the member to be removed;

**WHEREAS**, the City Council desires to adopt an ordinance to address this issue and promote accountability among its elected officials; and

**WHEREAS**, this Ordinance has been reviewed for compliance with relevant constitutional provisions, including due process and equal protection requirements; and

**WHEREAS**, the City Council has conducted a comprehensive review of existing local policies and regulations to ensure alignment and avoid conflicts with this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUDLOW, KENTUCKY:**

**SECTION 1. Definitions.**

For the purposes of this Ordinance, the following terms shall have the meanings set forth below:

- A. "City Council Member" means an individual elected to the Ludlow City Council.
- B. "Excessive absence" means the failure of a City Council Member to attend fifty percent (50%) or more of the regular and special meetings of the City Council during

any six (6)-month period.

C. "Unexcused absence" means an absence of a City Council Member from a City Council meeting that is not due to illness, family emergency, or other reasonable cause, as determined by the City Council.

## **SECTION 2. Attendance Requirements.**

A. City Council Members are expected to attend all regular and special meetings of the City Council.

B. The City Clerk shall maintain a record of the attendance of each City Council Member at all City Council meetings.

C. The City Clerk shall notify the Mayor and the City Council in writing whenever a City Council Member has accumulated unexcused absences exceeding more than 50% of the council meetings during any six (6)-month period.

D. The Mayor, City Council, and City Clerk shall not differentiate between excused and unexcused absences in keeping these attendance records unless such Excessive Absences are approved as excused by the City Council in advance.

## **SECTION 3. Procedures for Addressing Excessive Absences.**

A. Upon receiving notice from the City Clerk of a City Council Member's Excessive Absences, the Mayor shall send a letter to the elected official notifying them of their Excessive Absences and giving them a chance to remedy the situation without further action.

B. If the City Council Member does not begin to regularly attend meetings, the Mayor shall send a letter to the City Council Member advising them of the process for voluntary resignation under KRS 83A.040(7).

C. If the City Council Member does not resign and still continues to fail to appear for meetings following receipt of the written notice, the Mayor shall schedule the matter for public meeting before the City Council to address the matter in accordance with KRS 83A.040(9).

D. The City Council Member with Excessive Absences shall be provided with written notice of the public meeting at least seven (7) days prior to the meeting date and shall be given an opportunity to respond and provide any explanation or justification for the absences.

E. The meeting shall be conducted in accordance with the following due process procedures:

1. The City Council Member shall have the right to be represented by counsel;

2. The City Council Member shall have the opportunity to present evidence and witnesses on their behalf;
  3. The City Council Member shall have the right to cross-examine any witnesses presented against them;
  4. The City Council shall make a decision based solely on the evidence presented at the meeting. At this time, the Mayor and City Council Members may consider whether the Excessive Absences by the City Council Member were excused for illness, family emergency, or other reasonable cause.
- D. The City Council Member shall have the right to appeal the decision of the City Council to the Circuit Court. KRS 83A.040(9).

#### **SECTION 4. Enforcement and Penalties**

- A. After considering the City Council Member's response and all evidence presented, the City Council may take one or more of the following actions:
1. Do nothing;
  2. Formally censure the City Council Member by two-thirds (2/3) vote of the City Council;
  3. Recommend to the City Council Member that he or she resign from the City Council; or
  4. By a unanimous vote of the remaining members, initiate proceedings to remove the City Council Member from office, in accordance with the provisions of KRS § 83A.040(9).
- B. The City Attorney shall provide an annual report to the City Council on the enforcement of this Ordinance, including any legal challenges or issues that have arisen in its implementation.

#### **SECTION 5. Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

#### **SECTION 6. Periodic Review.**

The City Council shall review this Ordinance at least once every two (2) years to assess its effectiveness and make any necessary adjustments. The City Clerk shall place this item on the agenda for the first regular meeting of the City Council in odd-numbered years.

**SECTION 7. Effective Date.**

This Ordinance shall take effect immediately upon its adoption and publication as required by KRS § 83A.060(9).

**SECTION 8. Repeal of Conflicting Ordinances.**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Adopted by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY OF LUDLOW, KENTUCKY**

\_\_\_\_\_  
Chris Wright, Mayor

ATTEST: \_\_\_\_\_  
Laurie Sparks, City Clerk

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

PUBLICATION: \_\_\_\_\_