

COMMONWEALTH OF KENTUCKY
MASON FISCAL COURT
ORDINANCE NO. 19-03

AN ORDINANCE AMENDING THE MASON COUNTY ADMINISTRATIVE CODE TO BE CONSISTENT WITH AMENDMENTS TO KRS 424.260 PERTAINING TO PROCUREMENT; TO REQUIRE ALL EMPLOYEES WHO OPERATE COMMERCIAL VEHICLES TO UNDERGO A MEDICAL EXAM PRIOR TO EMPLOYMENT AND ANNUALLY THEREAFTER; AND TO ADOPT A SICK TIME DONATION POLICY.

WHEREAS, by Ordinance 94-2, as subsequently amended, the Mason Fiscal Court adopted the Mason County Administrative Code; and

WHEREAS, the Mason Fiscal Court has reviewed such Administrative Code, and considered recommendations of the County Judge/Executive, County Attorney and County Treasurer regarding modifications or changes thereto; and

WHEREAS, the recommended changes do not involve substantial changes in policy so much as to conform to existing law and to clarify certain policies.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF MASON COUNTY, KENTUCKY, that Ordinance 94-02, as amended by Ordinances 97-03, 00-08, 05-05, 06-01, 07-04, 12-02, and 17-03 is hereby amended to reflect the modifications, amendments or additions to the Mason County Administrative Code as follows:

I. **Section "620.0 Bidding and Negotiated Bid Process" is amended as reflected below:**

620.0 Bidding and Negotiated Bid Process

620.1 Materials and equipment costing over ~~\$20,000.00~~ the dollar amount specified in KRS 424.260 must be advertised for bid in accordance with KRS Chapter 424. Provided that the bids are solicited and advertised in a newspaper of general circulation as required by KRS Chapter 424, the County may participate in

reverse auctions or other electronic bidding, but shall not be required to do so.

620.2 The negotiated process may be used instead of advertisement for bids if the amount exceeds ~~\$20,000.00~~ the dollar amount specified in KRS 424.260 in the following circumstance:

- A. An emergency exists;
- B. The contract is for professional services; or
- C. All bids received exceed the amount budgeted.

620.3 Before an emergency is declared, the Judge/Executive shall, with the advice of County Attorney, determine whether or not the delay in obtaining bids will result in danger to health, safety, or property and submit such determination to the Fiscal Court.

620.4 A professional service is one performed by a licensed professional and an activity for which the license is required.

620.5 In the event all bids submitted are in excess of funds available, the Judge/Executive shall prepare a written determination that there are no additional funds available so as to permit an award to the responsible bidder with the lowest and best bid and delay in advertising for additional bids is not in the best interest of the County.

II. Section "640.0 Small Purchase Procedures" is amended as follows:

640.0 Small Purchase Procedures

640.1 Small purchases are defined as those which are less than ~~\$20,000.00~~ the statutory dollar amount as set forth in KRS 424.260, and any amendments thereto.

640.2 Should the Judge/Executive determine the need for any item requested and that the contract is for less than ~~\$20,000.00~~ the statutory dollar amount as set forth in KRS 424.260, and any amendments thereto, and that the expenditure is provided for in the budget, the purchase shall not require advertisement for bids.

640.3 For small purchases, the Judge/Executive obtains price quotes, as he deems necessary, from vendors and selects the one most advantageous to the County.

III. A new Section 430.11 "Sick Time Donation" is adopted as follows:

430.11. Sick Time Donation

A. Employees are permitted to donate no more than 160 hours to a sick pool maintained by the County Treasurer's office in 8 hour increments on two occasions each Fiscal Year in March and September, for a total limit of 320 hours annually. Sick time cannot be donated to an individual employee, but instead shall be maintained by the County Treasurer to benefit all employees applying to use donated sick time.

B. A donating employee must have at least 80 hours of sick time remaining after a donation is made, or such donating employee will not be permitted to donate sick time.

C. Accrued sick time cannot be donated to the sick leave pool upon termination of employment.

D. Any employee applying to receive sick leave from the sick leave pool must have used up all of his or her accrued sick leave, document the application with a doctor's excuse, and be approved by the County Judge Executive for participation in the sick leave pool.

E. Upon approval, an employee benefitting from and using donated sick time will receive payment as if being paid regular sick time, in the normal course of payroll administration by the County Treasurer.


IV. Section 430.11 Fringe Benefit Taxing Policy is renumbered Section 430.12.

V. A new Section 480.4 is created as follows:


480.4. All employees who operate a County vehicle or equipment requiring a commercial driver's license shall submit to a medical examination before employment and thereafter on an annual basis to determine medical fitness to safely complete the duties of employment. Such examination shall be conducted by a medical practitioner or facility contracted for and selected by the County, and shall be paid for by the County. The employee may utilize the examination as his or her required examination to satisfy commercial drivers' licensure requirements, but an examination conducted by other medical practitioners or facilities will not be accepted to satisfy the fitness for duty examination required hereby. The employee or prospective employee will be required to sign a HIPAA compliant release to permit the report of such examination to be provided to the County Judge/Executive, Department Head or other designee, to be maintained confidentially in employee's employment file.

IT IS FURTHER ORDAINED that the final draft of such Administrative Code attached hereto as Exhibit B is hereby incorporated herein by reference as if set forth herein in full and hereafter adopted as the Administrative Code of Mason County, Kentucky, subject to amendment by future ordinance.

INTRODUCED, SECONDED AND GIVEN FIRST READING at the regular meeting of the Fiscal Court of Mason County, Kentucky, on July 9, 2019. Thereafter **GIVEN SECOND READING AND ADOPTED** on the 13th day of August, 2019.


Honorable Joseph P. Pfeffer
Judge/Executive

ATTEST BY:


Stephanie Schumacher,
Mason County Clerk