

Bond Case Briefs

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EMPLOYMENT - KENTUCKY

Reeves v. City of Georgetown, Ky.

United States Court of Appeals, Sixth Circuit - September 12, 2013 - Fed.Appx. - 2013 WL 4859654

Police chief of the City of Georgetown in Kentucky was removed from his position by the mayor. The chief alleged that he was terminated in violation of a City of Georgetown ordinance that stated that he could be terminated only for cause, and only by the city council.

The police chief contended that the local ordinance was preempted by the Home Rule Statutes, which provide that the mayor "shall be the appointing authority with power to appoint and remove all city employees, including police officers, except as tenure and terms of employment are protected by statute, ordinance or contract and except for employees of the council."

The court of appeals found no conflict between the two regulations. The Home Rule Statutes give the mayor authority to appoint and remove all city employees, although the statute does not state that such power is solely left to the mayor. The Home Rule Statutes does not strip the mayor of his or her authority to appoint and remove the chief of police; rather, a plain reading of the local ordinance indicates that the city ordinance simply sets forth another option for a valid termination of the chief of police by the city council for cause. The local ordinance does not state that the mayor is stripped of his or her removal authority, nor that the city council has the sole authority to terminate the police chief. Because the police chief was terminated by the mayor, which is authorized, his claims were properly dismissed.