

1 AN ACT relating to consolidated local governments.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 67C.111 is amended to read as follows:

4 (1) All cities other than those of the first class located within the territory of the
5 consolidated local government, upon the successful passage of the question to
6 consolidate a city of the first class and its county, shall remain incorporated unless
7 dissolved in accordance with KRS 81.094 and shall continue to exercise all powers
8 and perform the functions permitted by the Constitution and general laws of the
9 Commonwealth of Kentucky applicable to the cities of the class to which they have
10 been assigned.

11 (2) (a) After July 15, 2024, with the approval of the consolidated local government's
12 legislative council, qualified voters within the consolidated local government
13 may establish new cities within the consolidated local government pursuant to
14 KRS 81.050 and 81.060. The proposed city must have a population of **three**
15 **thousand (3,000)**~~[six thousand (6,000)]~~ or greater. This territory shall not be
16 within any urban services boundary of the consolidated local government nor
17 shall it include any territory currently incorporated within any existing city.
18 The approval of the desire to establish a new city shall be in the form of a
19 resolution by the consolidated local government's legislative council. If the
20 legislative council does not act upon the request within sixty (60) days of the
21 receipt of the desire to incorporate a new city, that shall serve as notice of
22 approval by the legislative council of the incorporation of the new city.

23 (b) If the petition to form a city is signed by a number of registered and qualified
24 voters residing in the area proposed to be incorporated which is equal to at
25 least seventy-five percent (75%) of the total number of votes cast in the area
26 in the last preceding presidential election, the consolidated local government's
27 legislative council shall approve the proposed incorporation.

1 (c) If the petition to form a city is signed by a number of registered and qualified
2 voters residing in the area proposed to be incorporated which is less than
3 seventy-five percent (75%) of the total number of votes cast in the area in the
4 last preceding presidential election, the consolidated local government's
5 legislative council may approve the proposed incorporation.

6 (d) An action of the consolidated local government's legislative council approving
7 an incorporation passed by the consolidated local government legislative
8 council shall not be subject to veto by the mayor of the consolidated local
9 government.

10 (3) (a) Any proposed annexation by a city in that county shall first receive the
11 approval of the legislative council of the consolidated local government prior
12 to the city proceeding under the provisions of KRS Chapter 81A. The city
13 shall request the approval of the consolidated legislative council by ordinance.
14 For requests filed after July 15, 2024:

15 1. If the ordinance is accompanied by a petition in favor of the proposed
16 annexation signed by a number of registered and qualified voters
17 residing in the area proposed to be annexed which is equal to at least
18 seventy-five percent (75%) of the total number of votes cast in the area
19 in the last preceding presidential election, the consolidated local
20 government shall approve the proposed annexation; or

21 2. If the ordinance is accompanied by written consent of the owners of
22 record of the area to be annexed when that area is vacant or is otherwise
23 unimproved land and where no persons reside, the consolidated
24 government legislative council shall approve the proposed annexation.
25 A city shall not annex vacant or otherwise unimproved land where no
26 persons reside as set out by this subparagraph more than once every four
27 (4) calendar years.

1 (b) The consolidated legislative council's decision shall be made by ordinance
2 and within sixty (60) days of the receipt of the request by the affected city. If
3 an ordinance has not been enacted by the consolidated legislative council
4 within sixty (60) days, the request for a city to proceed with an annexation
5 proposal shall be deemed to be approved by the consolidated legislative
6 council. An ordinance approving annexation passed by the consolidated local
7 government legislative council shall not be subject to veto by the mayor of the
8 consolidated local government.

9 (c) 1. A city in a county containing a consolidated local government shall not
10 annex commercial real estate primarily for the purpose of obtaining
11 occupational license taxes, net profits, or gross receipts taxes unless
12 each owner of record of property within the area to be annexed gives
13 prior consent in writing to the annexation.

14 2. a. As used in this paragraph, "commercial real estate" means any
15 parcel of real estate that is:

16 i. Lawfully used primarily for sales, retail, wholesale, office,
17 research, institutional, warehouse, manufacturing, or
18 industrial purposes;

19 ii. Lawfully used primarily for multifamily residential purposes
20 involving five (5) or more dwelling units; or

21 iii. Zoned as a business or commercial use by a planning unit
22 under the provisions of KRS Chapter 100.

23 b. "Commercial real estate" does not include single-family residential
24 units such as condominiums, townhouses, manufactured homes, or
25 homes or lots in a subdivision when sold, or residential units
26 otherwise conveyed on a unit-by-unit basis, even if those units are
27 part of a larger building or parcel of real estate containing more

1 than four (4) residential units.

2 (4) The adoption of a consolidated local government in a county containing a city
3 of the first class shall not prevent the merger or dissolution of any existing
4 cities as provided by law or the merger of any remaining cities with the newly
5 consolidated local government.

6 ➔Section 2. KRS 65.003 is amended to read as follows:

7 (1) (a) The governing body of each city, county, urban-county, consolidated local
8 government, and charter county, shall adopt, by ordinance, a code of ethics
9 which shall apply to all elected officials of the city, county, urban-county,
10 consolidated local government, or charter county, and to appointed officials
11 and employees of the city, county, urban-county, consolidated local
12 government, or charter county government, or agencies created jointly, as
13 specified in the code of ethics. The elected officials of a city, county, or
14 consolidated local government to which a code of ethics shall apply include
15 the mayor, county judge/executive, members of the governing body, county
16 clerk, county attorney, sheriff, jailer, coroner, surveyor, and constable but do
17 not include members of any school board. Agencies created jointly may
18 include planning or administrative commissions or boards. Candidates for the
19 local government elective offices specified in this subsection shall comply
20 with the annual financial disclosure statement filing requirements contained in
21 the code of ethics.

22 (b) The boards, officers, and employees of special purpose governmental entities
23 shall be subject to a code of ethics as provided in KRS 65A.070. As used in
24 this section, special purpose governmental entity has the same meaning as in
25 KRS 65A.010.

26 (2) Any city, county, or consolidated local government may enter into a memorandum
27 of agreement or an interlocal agreement with one (1) or more other cities, counties,

1 or consolidated local governments for joint adoption of a code of ethics which shall
2 apply to all elected officials of the cities, counties, or consolidated local
3 governments, and to appointed officials and employees as specified by each of the
4 cities, counties, or consolidated local governments which enters into the agreement.

5 Interlocal agreements shall be executed pursuant to the Interlocal Cooperation Act
6 in KRS 65.210 to 65.300. The interlocal agreement or memorandum of agreement
7 may provide for but shall not be limited to:

- 8 (a) The provision of administrative services relating to the implementation of a
9 code of ethics;
- 10 (b) The creation of a regional ethics board which serves independently to provide
11 advice to member governments and their officials and provides for the
12 enforcement of locally adopted codes of ethics; and
- 13 (c) Contracting by a memorandum of agreement with an area development
14 district for the provision of administrative services relating to the
15 implementation of a code of ethics.

16 Candidates for the city, county, or consolidated local government elective offices
17 specified in this subsection shall comply with the annual financial disclosure
18 statement filing requirements contained in the code of ethics.

- 19 (3) Each code of ethics adopted as provided by subsection (1) or (2) of this section, or
20 amended as provided by subsection (4) of this section, shall include but not be
21 limited to provisions which set forth:

- 22 (a) Standards of conduct for elected and appointed officials and employees;
- 23 (b) Requirements for creation of financial disclosure statements, which shall be
24 filed annually by all candidates for the city, county, or consolidated local
25 government elective offices specified in subsection (1) of this section, elected
26 officials of each city, county, or consolidated local government, and other
27 officials or employees of the city, county, or consolidated local government,

1 as specified in the code of ethics, and which shall be filed with the person or
2 group responsible for enforcement of the code of ethics;

3 (c) A policy on the employment of members of the families of officials or
4 employees of the city, county, or consolidated local government, as specified
5 in the code of ethics; and

6 (d) The designation of a person or group who shall be responsible for
7 enforcement of the code of ethics, including maintenance of financial
8 disclosure statements, all of which shall be available for public inspection,
9 receipt of complaints alleging possible violations of the code of ethics,
10 issuance of opinions in response to inquiries relating to the code of ethics,
11 investigation of possible violations of the code of ethics, and imposition of
12 penalties provided in the code of ethics.

13 (4) The code of ethics ordinance adopted by a city, county, or consolidated local
14 government may be amended but shall not be repealed.

15 (5) (a) Within twenty-one (21) days of the adoption of the code of ethics required by
16 this section, each city, county, or consolidated local government shall deliver
17 a copy of the ordinance by which the code was adopted and proof of
18 publication in accordance with KRS Chapter 424 to the Department for Local
19 Government. The Department for Local Government shall maintain the
20 ordinances as public records and shall maintain a list of city, county, or
21 consolidated local governments which have adopted a code of ethics and a list
22 of those which have not adopted a code of ethics.

23 (b) Within twenty-one (21) days of the amendment of a code of ethics required by
24 this section, each city, county, or consolidated local government shall:

25 1. Deliver a copy of the ordinance by which the code was amended and
26 proof of publication in accordance with KRS Chapter 424 to the
27 Department for Local Government, which shall maintain the amendment

1 with the ordinance by which the code was adopted; and

2 2. Deliver a copy of the ordinance by which the code was amended to the
3 governing body of each special purpose governmental entity that
4 follows that establishing entity's code of ethics pursuant to KRS
5 65A.070.

6 (c) For ordinances adopting or amending a code of ethics under this section, cities
7 of the first class and consolidated local governments shall comply with the
8 publication requirements of KRS 83A.060(9), notwithstanding the exception
9 contained in that statute.

10 (6) If a city, county, or consolidated local government fails to comply with the
11 requirements of this section, the Department for Local Government shall notify all
12 state agencies, including area development districts, which deliver services or
13 payments of money from the Commonwealth to the city, county, or consolidated
14 local government. Those agencies shall suspend delivery of all services or payments
15 to the city, county, or consolidated local government which fails to comply with the
16 requirements of this section. The Department for Local Government shall
17 immediately notify those same agencies when the city, county, or consolidated local
18 government is in compliance with the requirements of this section, and those
19 agencies shall reinstate the delivery of services or payments to the city, county, or
20 consolidated local government.

21 (7) Notwithstanding KRS 67C.103(14)(e), a simple majority of the legislative council
22 of a consolidated local government may delegate its authority to issue
23 administrative subpoenas for the attendance and testimony of witnesses and the
24 production of documents relevant to possible violations of the code of ethics to the
25 person or a majority of the group responsible for enforcement of a code of ethics.
26 Subpoenas shall be served in the same manner as subpoenas for witnesses in civil
27 cases. Compliance with the subpoenas shall be enforceable by the Circuit Court.

Any failure to obey an order of the court may be punished by the court as contempt thereof.

(8) (a) In a consolidated local government, an ethics commission shall be responsible for enforcement of the code of ethics of the consolidated local government and shall consist of seven (7) members chosen as follows:

1. Before January 1, 2029:

a. Three (3) members appointed by the mayor of the consolidated local government; and

b. Four (4) members appointed by the legislative council of the consolidated local government with two (2) being appointed by each of the largest two (2) political caucuses of the legislative council.

2. On and after January 1, 2029:

a. One (1) member appointed by the chief audit executive of the office of internal audit of the consolidated local government;

b. Two (2) members appointed by the mayor of the consolidated local government; and

c. Four (4) members appointed by the legislative council of the consolidated local government with two (2) being appointed by each of the largest two (2) political caucuses of the legislative council.

(b) No more than three (3) members of the ethics commission shall be members of the same political party. The terms of the members shall be for four (4) years.

➔Section 3. KRS 67C.103 is amended to read as follows:

(1) The legislative authority of a consolidated local government, except as otherwise specified in KRS 67C.101 to 67C.137, shall be vested in a consolidated local

1 government council. The members of the council shall be nominated and elected by
2 district. There shall be only one (1) council member elected from each council
3 district.

4 (2) There shall be twenty-six (26) council districts. The initial boundaries, population,
5 and numerical designation of the council districts shall be as specified by KRS
6 67C.135. The population of the council districts shall be as nearly equal as is
7 reasonably possible. Any changes made to alter the boundaries of council districts
8 shall be based on the population of the county as determined by the most recent
9 United States Census or official census estimates as provided by the United States
10 Bureau of the Census.

11 (3) Following the official publication of each decennial census by the United States
12 Bureau of the Census for the area embraced by a consolidated local government, the
13 council shall adopt an ordinance, if necessary, to redistrict the council districts. A
14 redistricting ordinance shall ensure that council districts:

15 (a) Are composed of units no smaller than precincts, and each individual
16 precinct composes the same territory as it did at the time of redistricting in
17 response to the most recent decennial census;

18 (b) Not be drawn in a manner as to contain two (2) or more actively serving
19 council persons in the same district;

20 (c) Provide for the distribution of population [among the council districts] as
21 nearly equal as is reasonably possible without altering a precinct or its
22 boundaries as established in response to the most recent decennial census;

23 [-]

24 (d) Are [Every council district shall be] compact and contiguous; and

25 (e) [shall] Respect existing neighborhood, community, and city boundaries
26 whenever possible.

27 (4) The consolidated local government council members shall serve for a term of four

1 (4) years beginning on the first Monday in January following their election, except
2 that the initial election of council members shall be in a manner as to provide for
3 staggered terms for council members. At the initial election of the members of a
4 consolidated local government council, those representing even-numbered districts
5 shall be elected for a two (2) year term. Those representing odd-numbered districts
6 shall be elected for a four (4) year term. Thereafter, all council members shall be
7 elected for four (4) year terms.

8 (5) The members of a consolidated local government council shall be nominated and
9 elected from the district in which they reside in nonpartisan elections. After the
10 initial terms of office of the first elected council members, council members shall
11 be elected in the same election years as other local government officials as
12 regulated by the regular election laws of the Commonwealth and as provided in
13 subsection (4) of this section.

14 (6) No person shall be eligible to serve as a member of a consolidated local government
15 council unless he or she is at least eighteen (18) years old, a qualified voter, and a
16 resident within the territory of the consolidated local government and the district
17 that he or she seeks to represent for at least one (1) year immediately prior to the
18 person's election. A council member shall continue to reside within the district from
19 which he or she was elected throughout the term of office.

20 (7) The presiding officer of a consolidated local government council shall be a
21 president who shall be chosen annually by a majority vote of the entire council from
22 among its members at the first meeting of the council in January. The council
23 president has the right to introduce any resolution or recommend any ordinance and
24 shall be entitled to vote on all matters.

25 (8) The consolidated local government council shall upon notice meet within seven (7)
26 days after its members have taken office, and shall thereafter hold at least one (1)
27 regular meeting per month. No newspaper notice shall be required for regular or

1 special meetings of the consolidated local government council. However, notice of
2 all meetings of the council and all meetings of committees of the council shall be
3 held pursuant to KRS 61.805 to 61.850.

4 (9) A majority of the members of the consolidated local government council shall
5 constitute a quorum, but a smaller number may adjourn from day to day. The
6 consolidated local government council may enforce the attendance of members by
7 rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the
8 entire membership of the council may call a special meeting at any time. Meetings
9 shall be held in such places in the county as are provided by ordinance, and the
10 place of meetings shall not be changed except by an ordinance for which two-thirds
11 (2/3) of the members of the consolidated local government council have voted.

12 (10) The council shall determine its own rules and order of business, and keep and
13 provide a public record of its proceedings. The council shall provide for the
14 publication of all ordinances in a composite code of ordinances.

15 (11) Council ordinances that prescribe penalties for their violation shall be enforced
16 through the entire area of the consolidated local government unless:

17 (a) Otherwise provided by statute; or

18 (b) The legislative body of any city within the consolidated local government area
19 has adopted an ordinance pertaining to the same subject matter that is the
20 same as or more stringent than the standards set forth in the consolidated local
21 government's ordinance.

22 (12) (a) In the case of a vacancy on the consolidated local government council by
23 reason of death, resignation, or removal, a nonpartisan election shall be held
24 to fill the unexpired term, unless paragraph (c) of this subsection applies. The
25 county clerk shall be responsible for administering the election. The election
26 shall proceed as follows:

27 1. The presiding officer of the council shall declare the position vacant and

- 1 issue a writ of election within twenty-four (24) hours of the occurrence
2 of the vacancy;
- 3 2. The writ shall be signed by the presiding officer, shall designate the day
4 for holding the election, and shall be delivered to the sheriff;
- 5 3. Candidates for the unexpired term shall file petitions of nomination with
6 the county clerk not later than ten (10) days following the declaration of
7 vacancy. The election shall be held sixty (60) days after the declaration
8 of vacancy on the next Tuesday which is not a federal holiday under 5
9 U.S.C. sec. 6103(a), unless paragraph (b) of this subsection applies. The
10 petition for nomination shall contain the signatures of two (2) registered
11 voters of the council district and shall meet the requirements of KRS
12 118.315(2); and
- 13 4. The successful candidate elected to fill an unexpired term in the office
14 of consolidated local government council member shall take office
15 immediately upon certification of the election results and administration
16 of the oath of office.
- 17 (b) If the unexpired term will not end on the first Monday in January following
18 the next regular election, and if less than three (3) months intervene before
19 that regular election, the unexpired term shall be filled on the date set for the
20 regular election. Candidates for full terms shall be grouped together, and
21 candidates for unexpired terms shall be grouped together, under appropriate
22 headings, so that the voter may easily distinguish the candidates for full terms
23 from the candidates for unexpired terms.
- 24 (c) If the unexpired term will end on the first Monday in January following the
25 next regular election, and if less than three (3) months intervene before that
26 regular election, the presiding officer of the council shall appoint a qualified
27 person to fill the vacancy and serve the remainder of the term.

1 (d) The order of the names on the ballot for the candidates shall be determined by
2 lot at a public drawing to be held in the office of the county clerk at 4 p.m.,
3 standard time, ten (10) days following the declaration of vacancy.

4 (13) All legislative powers of a consolidated local government are vested in the
5 consolidated local government council. The term "legislative power" is to be
6 construed broadly and shall include the power to:

7 (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by
8 a two-thirds (2/3) majority of the membership of the legislative council;

9 (b) Review the budgets of and appropriate money to the consolidated local
10 government;

11 (c) Adopt a budget ordinance;

12 (d) Levy taxes, subject to the limitations of the Constitution and the laws of the
13 Commonwealth of Kentucky;

14 (e) Establish standing and temporary committees; and

15 (f) Make independent audits and investigations concerning the affairs of the
16 consolidated local government and any board or commission that:

17 1. Is composed of members who are appointed by the mayor and approved
18 by the legislative council; or

19 2. Has a budget that is equal to or greater than one million dollars
20 (\$1,000,000.00), except that this subparagraph shall not apply to any fee
21 officer elected within the consolidated local government.

22 (14) (a) The consolidated local government council shall establish a Government
23 Oversight and Audit Committee. This committee shall be:

24 1. Composed of members from each of the two (2) largest political
25 caucuses in the legislative council;

26 2. Appointed by the chairs of their respective caucuses; and

27 3. Composed on the basis of the proportion of each of the two (2) caucuses'

1 total membership as compared to the total membership of the legislative
2 council. Any fractional proportions shall be rounded in the favor of the
3 smallest caucus' membership on the committee.

4 (b) The committee shall have the power to:

- 5 1. Compel testimony and the submission of work papers or documents;
- 6 2. Issue subpoenas to compel any officer, appointee, or former officer or
7 appointee to a board or commission described in subsection (13)(f) of
8 this section or any department or division of the consolidated local
9 government to appear before the committee and to compel the
10 submission to the committee of any work papers or documents pertinent
11 to an independent audit or investigation. Any subpoenas issued or
12 testimony compelled shall be subject to any relevant statutes concerning
13 privacy. Testimony subject to KRS 61.810 shall only be taken in
14 executive session. The right to privacy or the requirement that testimony
15 be taken in executive session may be waived by the person or entity
16 being subpoenaed or compelled to testify;
- 17 3. Petition the appropriate Circuit Court to compel obedience by
18 proceedings for contempt as in the case of disobedience of a subpoena
19 issued from the Circuit Court or a refusal to testify therein, if any officer
20 or appointee fails or refuses to testify or furnish the work papers or
21 documents subpoenaed;
- 22 4. Administer oaths to witnesses appearing before the committee when the
23 committee deems the administration of an oath necessary and advisable
24 as provided by law. This decision to administer oaths shall be taken by a
25 majority vote of the committee of the legislative council; and
- 26 5. Recommend the removal of any appointee to a board or commission
27 described in subsection (13)(f) of this section.

1 (c) The legislative council of the consolidated local government shall adopt by
2 resolution any process or procedures deemed necessary for the administration
3 of subpoenas and oaths.

4 (d) The legislative council of the consolidated local government may only act to
5 remove an appointee to a board or commission described in subsection (13)(f)
6 of this section upon the recommendation of the Government Oversight and
7 Audit Committee.

8 (e) The Government Oversight and Audit Committee shall have the power to
9 issue subpoenas or administer oaths. Except as provided in KRS 65.003(7),
10 the legislative council of the consolidated local government shall not delegate
11 those powers to any other entity or entities not a part of the legislative council
12 of the consolidated local government.

13 (15) **Any regulation or other lawful instrument issued:**

14 **(a) By a board that is operating under the provisions of KRS Chapter 109 or**
15 **212; and**

16 **(b) That is applicable to individuals residing or businesses operating within the**
17 **jurisdiction of the consolidated local government as relates to these**
18 **individuals' or business's conduct;**

19 **shall expire within thirty (30) days of its issuance if not approved by the**
20 **consolidated local government council.**

21 **(16)** The consolidated local government council shall be known as the legislative council
22 of/..... County Metro Government, which shall be a
23 combination of the names of the largest city in existence in the county on the date
24 of the adoption of the consolidated local government and the county.

25 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 67C IS CREATED TO
26 READ AS FOLLOWS:

27 **(1) There shall be an office of internal audit within the consolidated local**

1 government that shall be separate from any other agency or department of the
2 consolidated local government. The office shall report directly to the mayor and
3 the legislative council. The office shall have a sufficient budget to conduct the
4 activities and fulfill the responsibilities set out by this section and by any
5 ordinances passed by the consolidated local government council.

6 (2) The office of internal audit shall be authorized to conduct financial and
7 performance audits and reviews of all departments, offices, boards, and activities
8 of the consolidated local government and have any other duties, powers, and
9 authorities as set out by ordinance.

10 (3) The office of internal audit shall be headed by a chief audit executive, which
11 shall be an elected position. The chief audit executive shall:

12 (a) 1. Be at least twenty-one (21) years old;

13 2. A qualified voter; and

14 3. A resident of the territory encompassing the consolidated local
15 government for a period of at least one (1) year prior to his or her
16 election;

17 (b) Continue to reside within the geographic boundary of the consolidated local
18 government throughout his or her term of office; and

19 (c) Have any additional qualifications as determined by ordinance of the
20 consolidated local government council.

21 (4) The chief audit executive shall be nominated and elected in nonpartisan elections
22 for a term of four (4) years in the same election years as other local government
23 officials as regulated by the regular election laws of the Commonwealth.

24 (5) The chief audit executive:

25 (a) Shall assume office on the first Monday in January following his or her
26 election and shall serve until a successor qualifies; and

27 (b) May serve for consecutive terms, but shall not serve more than three (3)

1 terms cumulatively.

2 (6) The chief audit executive may be removed for cause. The consolidated local
3 government council shall sit as a court, under oath, when charges are preferred
4 by the mayor or by any four (4) members of the consolidated local government
5 council. No council member shall sit as a member when the council commences a
6 removal hearing.

7 (7) If a vacancy occurs in the office of chief audit executive, then it shall be filled in
8 accordance with Section 152 of the Constitution of Kentucky. If an appointment
9 is required, it shall be made by the mayor and shall be approved by resolution of
10 the consolidated local government council.

11 ➔Section 5. The terms of the ethics commission members currently serving in a
12 consolidated local government shall end on December 31, 2025. In making new
13 appointments set forth in subsection (8) of Section 2 of this Act, the mayor shall appoint
14 one member for a four year term and two members for a two year term, and the two
15 largest political caucuses each appoint one member for a four year term and one member
16 for a two year term. On December 31, 2028, the term of one (1) member appointed by the
17 mayor shall expire, as determined by the mayor, and a new member shall be appointed by
18 the chief audit executive of the office of internal audit of the consolidated local
19 government as set out in Section 2 of this Act.

20 ➔Section 6. The effective date of Section 4 of this Act shall be November 1,
21 2027. The term of any chief audit executive serving by appointment prior to the effective
22 date of Section 4 of this Act shall end on the first Monday in January 2029 when the first
23 elected chief audit executive takes office and is qualified after the November 2028
24 regular election.