

RESOLUTION NO. \_\_\_\_\_-2013

A RESOLUTION AMENDING SECTION 4.101 OF APPENDIX A, RULES AND PROCEDURES OF THE LEXINGTON-FAYETTE URBAN COUNTY COUNCIL, CORRECTING CLERICAL ERRORS; PROVIDING THAT THE MAYOR SHALL PLACE THE FOLLOWING DOCUMENTS ON THE WORK SESSION AGENDA UNDER LEGISLATIVE REVIEW: EXECUTION OF DEEDS AND EASEMENTS FOR MULTI-USE TRAILS PROJECTS, STORM AND SANITARY SEWER PROJECTS AND ROADWAY CONSTRUCTION PROJECTS AFTER THE PROJECTS HAVE RECEIVED COUNCIL APPROVAL; EXECUTION OF EASEMENT RELEASES AND ENCROACHMENT AGREEMENTS; EXECUTION OF EQUIPMENT MAINTENANCE CONTRACTS FOR WHICH COUNCIL HAS APPROPRIATED FUNDS; EXTENSIONS OF EXISTING GRANT AGREEMENTS PREVIOUSLY APPROVED BY COUNCIL WHICH DO NOT INVOLVE ANY ADDITIONAL APPROPRIATION OF REVENUE; EXECUTION OF CLOSING STATEMENTS FOR DEED AND EASEMENT ACQUISITIONS FOR WHICH COUNCIL HAS BUDGETED FUNDS; EXECUTING AND SUBMITTING GRANT APPLICATIONS EXCEPT AS REQUIRED; AND ACCEPTANCE OF DONATIONS OF GOODS OR SERVICES THAT DO NOT REQUIRE A BUDGET AMENDMENT; PROVIDING THAT THE URBAN COUNTY COUNCIL SHALL REVIEW AND DISCUSS THE ITEMS LISTED UNDER LEGISLATIVE REVIEW AND TAKE APPROPROATE ACTION; PROVIDING THAT IF NO PROCEDURAL ACTION IS TAKEN, THE MAYOR SHALL HAVE THE AUTHORITY TO EXECUTE THE DOCUMENTS LISTED UNDER LEGISLATIVE REVIEW; AND PROVIDING THAT A LIST OF ALL EXECUTED DOCUMENTS SHALL APPEAR IN THE COMMUNICATIONS FROM THE MAYOR ON THE COUNCIL DOCKET AND SHALL BE LOGGED USING THE LEGISLATIVE MANAGEMENT SYSTEM.

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WHEREAS, the Urban County Council, by Resolution No. 55-79, as amended, has adopted "Rules and Procedures of the Lexington-Fayette Urban County Council"; and,

WHEREAS, the Urban County Council has traditionally formally approved certain matters for which the legal parameters for administrative action have been established by statute, ordinance or resolution; and

WHEREAS, the Urban County Council desires to conduct its business as effectively and efficiently as possible; and,

WHEREAS, Section 5.104 of the rules provides that "[n]o permanent change shall be made to these Rules without notice specifying the purpose and wording of the change given prior to the consideration of the change and the adoption of the permanent change by a majority of all Councilmembers through an amending resolution"; and,

WHEREAS, notice of the aforementioned changes was given to all Councilmembers at Council work session on March 19, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE COUNTY GOVERNMENT:

Section 1 – That Section 4.104 of the Council Rules be, and hereby is, amended to read as follows:

Sec. 4.104. - Work session

(a) The urban county council shall meet at the dates and times specified in a schedule of meetings adopted annually by the council by ordinance, in the council chamber on the second floor of the Lexington-Fayette Government Center, for purposes of conducting a "work session". Action taken by the urban county council at a work session is procedural in nature. A quorum for work sessions shall consist of not fewer than eight (8) of the fifteen (15) members of the council. The following order of business shall apply for work sessions of the urban county council:

- I. Public comment - agenda items only.
- II. Requested rezonings/docket approval. (No item shall be placed on the docket which has not been approved at work session, either as part of the work docket or as a separate item at work session, except in case of emergency and except as limited by section 4.07 of the Charter).
- III. Approval of summary.
- IV. Budget amendments.
- V. Legislative Review
- VI. New business.
- VII. Continuing business/presentations.
- VIII. Council report.
- IX. Mayor's report.
- X. Public comment.

(b) The work session agenda shall be composed of items referred from the following sources:

- (i) Councilmembers;
- (ii) Council committees; and
- (iii) Mayor.

(c) The work session agenda, which shall also include items deferred from previous work sessions, shall be prepared and delivered on the Friday preceding the scheduled work session

(d) At work session, the council will take one (1) of the following steps after discussion of each agenda item.

- (i) Refer it to a council committee;
- (ii) Refer it to the administration for action, report or a recommendation;

- (iii) Place it on the docket of an official council meeting;
- (iv) Remove or defeat; or
- (v) No action; received as information.

(e) At the work session preceding an official council meeting, the council shall also consider, in addition to its work session agenda, a tentative docket for the coming meeting. This "work" docket is prepared by the council clerk and shall include the following:

- (i) Items previously referred to the docket by the council;
- (ii) Zoning amendments;
- (iii) Acceptance or rejection of bids; and
- (iv) Communications from the mayor.

(f) In the case of a requested rezoning, the council shall during work session decide whether to follow the planning commission's recommendation without a hearing; to review the planning commission record and (i) base its decision thereupon; or, (ii) hold its own hearing and base its decision both upon its and the planning commission record. In cases where more than one (1) zone change is placed on the work docket and public hearings are scheduled, the zone change applicant who filed the earliest with the division of planning shall be given preference in selecting a public hearing date, unless the planning commission hears the cases in an order different from that based on the time and date of filing the zone change request. In such cases the order in which the planning commission decides the zone change requests shall prevail over applicants who filed earliest.

(g) In cases where the council decides to hold its own public hearing and base its decision both upon its and the planning commission record, the council shall endeavor to schedule the hearing for a time at which at least thirteen (13) councilmembers have indicated that they can be in attendance; provided, however, that since Charter section 4.07 states that the required quorum for all official meetings of the urban county council is only ten (10) members, the council may consequently choose to proceed with any scheduled hearing on the hearing date notwithstanding that less than thirteen (13) members are in attendance so long as at least ten (10) members are present. At the scheduled time of the hearing, the council may alternately determine to postpone the hearing to a reasonable time thereafter for the purpose of securing the attendance of at least thirteen (13) members.

(h) The mayor's office may place the following items on the work session agenda under legislative review:

- (a) Execution of deeds and easements for multi-use trails projects, storm and sanitary sewer projects and roadway construction projects after the projects have received Council approval
- (b) Execution of Easement Releases and Encroachment Agreements;
- (c) Execution of equipment maintenance contracts for which Council has appropriated funds;

(d) Extensions of existing grant agreements previously approved by Council which do not involve any additional appropriation of revenue;

(e) Execution of Closing Statements for deed and easement acquisitions for which Council has budgeted funds;

(f) Executing and submitting grant applications except as required; and

(g) Acceptance of donations of goods or services that do not require a budget amendment;

The urban county council shall review and discuss each item listed on the work session agenda under legislative review . After review and discussion, the following actions may be taken:

- (i) Refer it to a council committee;
- (ii) Refer it back to the administration for additional information;
- (iii) Place on the docket; or
- (iv) No action.

If no procedural action is taken, then the mayor has the authority to execute any of items listed for legislative review and a list of all executed documents shall appear in the communications from the mayor on the council docket and shall be logged using the legislative management system.

Section 2 - That this Resolution shall become effective upon passage.

PASSED URBAN COUNTY COUNCIL:

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MAYOR

ATTEST:

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CLERK OF URBAN COUNTY COUNCIL

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