

RESOLUTION NO. \_\_\_\_\_ - 2020

A RESOLUTION CREATING SECTION 4.109 WITHIN PART 1 OF CHAPTER IV OF APPENDIX A – RULES AND PROCEDURES OF THE LEXINGTON-FAYETTE URBAN COUNTY COUNCIL, RELATED TO POLICE DISCIPLINE RECOMMENDATIONS PRESENTED TO COUNCIL.

---

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

WHEREAS, it is the desire of the Urban County Council to amend the Rules in a comprehensive manner to provide up-to-date instruction and direction to members of the Urban County Council and its core staff regarding the administrative responsibilities of the Urban County Council; 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 a Work Session on October 13, 2020.

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

Section 1 – That Section 4.109 be and hereby is created within Part 1 of Chapter IV of Appendix A – Rules and Procedures of the Lexington-Fayette Urban County Council to read as follows:

Sec. 4.109. - Police Discipline Recommendations Presented to Council.

- (1) With due regard to both the need for transparency and the rights of the police officer concerned, the "Agreement of Conformity" presented to the Council for discipline of a police officer shall provide as much detail as possible about the nature of the offense for which the officer is being disciplined.
- (2) For discipline recommendations related to violation of Division of Police policies, procedures, or general orders, but not related to allegations involving interactions with the public, the officer present at the meeting on behalf of the Division of Police or the Chief of Police shall present the Agreement of Conformity to the Council. No additional information related to the factual details of the discipline shall be provided. The Council shall not ask any questions related to the factual details of the discipline.

- (3) For discipline recommendations related to inappropriate interactions with the public, the Chief of Police shall present the Agreement of Conformity to the Council. No additional information related to the factual details of the discipline shall be provided, but the Chief may explain his rationale for the level of discipline recommended. The Council shall not ask any questions related to the factual details of the discipline.
- (4) Other than procedural issues, Council members shall not discuss an Agreement of Conformity with anyone prior to the agreement being presented to the Council.
- (5) After the agreement is presented to the Council, Council members may be reminded, if necessary, of the procedure if the Council rejects the recommended discipline or may ask questions about the procedure.

Section 2 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

---

MAYOR

ATTEST:

---

CLERK OF URBAN COUNTY COUNCIL  
1023-20 MKH X:\Cases\CO\20-LE0002\LEG\00697312.DOCX