

ORDINANCE NO. 105 - 2020

AN ORDINANCE AMENDING ARTICLE XV OF CHAPTER 2 OF THE CODE OF ORDINANCES, RELATED TO THE PICNIC WITH THE POPS COMMISSION, TO: REMOVE REFERENCE TO THE KENTUCKY HORSE PARK AMPHITHEATER; REDUCE THE MEMBERSHIP OF THE COMMISSION FROM THIRTEEN (13) TO ELEVEN (11); PROVIDE FOR THE MAYOR TO SELECT A DESIGNEE; ADD GENDER NEUTRAL LANGUAGE; CORRECT PUNCTUATION; AND MAKE OTHER CORRESPONDING CHANGES.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 2-200 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Sec. 2-200. - Created.

- (a) A commission to plan and oversee "Picnic with the Pops" performances is hereby created, which shall be known as "The Picnic With the Pops Commission of the Lexington-Fayette Urban County Government."
- (b) *Picnic with the Pops* shall mean an outdoor performance of the Lexington Philharmonic Orchestra, including the appearance of popular guest artist(s), at a suitable venue during the summer, at which picnic facility shall be included among the seating arrangements offered for public sale.

Section 2 – That Section 2-201 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Sec. 2-201. - Membership.

The commission created by this article shall consist of eleven (11) voting members, which shall be appointed by the mayor subject to confirmation by a majority of the councilmembers. The eleven (11) appointed members shall be representative of the following: Lexington-Fayette Urban County Government (two (2) members); Lexington Philharmonic Society (two (2) members); Keeneland (one (1) member); and at large (six (6) members). The mayor, or his or her designee, and one (1) councilmember designated by the mayor; subject to confirmation by a majority of the councilmembers, shall serve as ex officio, non-voting members of the commission.

Section 3 – That Section 2-202 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Section 2-202. - Term.

For all appointed members of the commission created by this article, the term shall be four (4) years from the date of appointment, provided the terms of those originally appointed shall be staggered in the following manner: Six (6) members shall be appointed for two (2) years and five (5) members shall be appointed for four (4) years. Vacancies shall be filled for the unexpired term in the manner prescribed for the original appointment. Any member may be reappointed for additional terms. The term of any mayor shall be deemed to have terminated upon leaving office.

Section 4 – That Section 2-203 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Sec. 2-203. - Officers.

The commission created by this article shall have a chairperson elected by the membership for a term of one (1) year and any other officers elected from the membership as set forth in the bylaws. The officers shall take office at the annual meeting of the commission, and their duties shall be as implied by their respective titles and as may be specified in the bylaws. The commission shall determine its own rules and order of business and shall provide for keeping a record of its proceedings.

Section 5 – That Section 2-205 of the Lexington-Fayette Urban County Code of Ordinances be and hereby is amended to read as follows:

Sec. 2-205. - Powers and duties.

The commission created by this article shall, as permitted by law:

- (1) Plan and assist, with the division of parks and recreation, in conception, development and implementation of "Picnic With the Pops" performances; and encourage the development of a permanent outdoor facility suitable for such performances through methods consistent with this article;
- (2) Seek the advice and assistance of the general public, including but not limited to discussing and meeting with merchants, civic organizations, individuals and others who do business and participate in activities in Fayette County;
- (3) Solicit and receive contributions and obtain grants and loans appropriate to the goals of the commission, including funding capital efforts in behalf of a permanent outdoor facility suitable for such performances;
- (4) Enter into contracts, expend its funds, and adopt bylaws, rules and regulations as are necessary to carry out its duties and purposes as set forth in this article;
- (5) Collect and hold the proceeds of "Picnic With the Pops" performances, with any proceeds to be used as follows:
The first twenty percent (20%) of the net profits to be given to the Lexington Philharmonic Orchestra in addition to their usual performance fee. Additional proceeds may be utilized for improvements to the performance venue and future performances;
- (6) Submit an annual report and financial statement to the mayor and council, which summarizes the previous year's activities;
- (7) Establish committees, which may include interested members of the public, as may be necessary for carrying out the duties set forth herein; and
- (8) Perform any other act necessary or appropriate to carry out the purposes of this article, including designating an executive committee, by a majority vote of the members of the commission, to exercise the authority of the commission in all matters permitted by law but not including changes to the by-laws.

Section 6 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: November 12, 2020

Linda Gorton
MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL
PUBLISHED: November 19, 2020-1t