

RESOLUTION NO. _____ - 2022

A RESOLUTION AMENDING THE FOLLOWING SECTIONS OF APPENDIX A, RULES AND PROCEDURES OF THE LEXINGTON-FAYETTE URBAN COUNTY COUNCIL: SECTION 1.102 TO UPDATE THE INITIAL TERM OF APPOINTMENT FOR CERTAIN COUNCIL OFFICE STAFF; SECTION 3.103 TO UPDATE THE TIME AND MANNER OF INTRODUCTION; SECTION 4.103 TO REMOVE A REDUNDANT CLAUSE; AND SECTION 4.104 TO UPDATE THE ORDER OF BUSINESS; AND CREATING PART SEVEN (7) OF THE RULES TO FORMALLY ADOPT THE COUNCIL CAPITAL PROJECT EXPENDITURE POLICY, EFFECTIVE UPON PASSAGE OF COUNCIL.

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

WHEREAS, the Urban County Council desires 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 proposed changes to the Rules was given to all Councilmembers at the Council Work Session on November 29, 2022.

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

Section 1 – That the above recitals are incorporated herein as if fully stated.

Section 2 – That Section 1. 102. Appointed officers, of Chapter 1. Organization of the Council, Part 1. Officers and Employees of the Council, of the Rules, be and hereby is amended to read as follows:

Sec. 1.102. Appointed officers.

- (1) *Council office staffing:* The council office staff shall consist of the council administrator, core staff and the aides to council.
 - (a) *Council administrator:* The council administrator shall be a full time temporary position in the unclassified civil service system. The council administrator shall serve a term of four (4) years corresponding with the terms of at-large councilmembers. The council may reappoint the council administrator for additional four-year terms corresponding with the terms of the at-large councilmembers. ~~[The term of the initial appointment for the council administrator shall terminate on December 31, 2014.]~~ The appointment,

dismissal prior to the expiration of the four-year term, or discipline of the council administrator shall be by a majority vote of the urban county council with the advice and monitoring of the Division of Human Resources.

The council administrator, under the supervision of the vice-mayor, shall perform the duties imposed upon the council administrator by section 1.102 of the Council Rules. ~~[Annual performance evaluations for the council administrator shall be conducted by a committee comprised of the three (3) at-large councilmembers utilizing the LFUGG performance review guidelines.]~~

The core staff shall be under the general direction and supervision of the council administrator, who shall be responsible to the council as a committee of the whole.

The council administrator shall be responsible for:

- (1) Interviews and recommendations for hiring and discharging the core staff and otherwise dealing with employees of the core staff, subject to direction from the council as a committee of the whole.
 - (2) Attending all regularly scheduled council staff meetings, council meetings and related council committee meetings and any other meetings as deemed necessary by the council as a committee of the whole council, such as neighborhood meetings or citizens groups.
 - (3) Supervising and participating in analysis regarding budgetary impact, policies and procedures, capital improvements, general services to citizens and other similar activities of the council office.
 - (4) Advising and briefing councilmembers regarding questions asked by councilmembers; studying and reviewing projects from various departments and making recommendations outlining alternatives to council regarding such.
 - (5) Receiving a variety of research data and compiling information to be communicated to councilmembers.
 - (6) Supervising and preparing special projects upon request of the committee of the whole council, individual councilmembers, individual standing committees and individual ad hoc committees.
 - (7) Meeting with the mayor, commissioners and division directors to obtain information concerning government operations.
 - (8) Conferring with the Kentucky General Assembly and the Legislative Research Commission to obtain information concerning existing and proposed state laws and their application to the urban county government.
 - (9) Under the direction of the council as a committee of the whole council, preparing the annual budget for the council office and the council budget.
 - (10) Exercising general administrative authority over core staff, including, but not be limited to, time records, payroll, approval of leave requests and compensatory time accruals, reporting leave usages and other employment related processes.
 - (11) Assuring preparation of all work session and council committee agendas, together with pertinent information.
 - (12) With the approval of the council as a committee of the whole and coordinating with CAO policies where necessary, preparing standard operating procedures to address work flow between council members, core staff and aides to council, and monitoring same; and establishing and maintaining a repository for general council research.
 - (13) Training of councilmembers (including newly elected), council aides and core staff.
- (b) *Core staff:* The core staff positions of the urban county council shall consist of one position of council administrator and such other positions as deemed necessary by the council to support its full council, committee and representative duties and responsibilities. The core staff shall serve a term of four (4) years

corresponding with the terms of at-large councilmembers. The council may reappoint any person occupying a core staff position for additional four-year terms corresponding with the terms of the at-large councilmembers. [~~The term of the initial appointment for the core staff shall terminate on December 31, 2014. Annual performance reviews for the core staff shall be conducted by the Council Administrator utilizing the LFUCG performance review guidelines.~~] The core staff shall handle all general and centralized research, filing, records, budget analysis, and payroll, and all other matters for the legislative branch except those matters handled by the aides to council, the council clerk's office, and the citizens' advocate office. The core staff shall provide, maintain, and update, as necessary, the files of the council committees and shall monitor and store all official council work session and committee records, as appropriate, utilizing the best available technology, such as electronic imaging/archiving, to the extent feasible to maximize storage capacity and accessibility of the records to the public.

- (c) *Aides to council:* In addition to the core staff positions, each councilmember may appoint one full-time aide to council, two (2) part-time aides to council, when such positions have been created and a full-time position has been abolished, or may agree with another councilmember to appoint one full-time aide to be shared by both councilmembers. Aides to council shall perform only government-related work duties prescribed by the appointing councilmember(s) within the parameters of Article 16 of the Charter of the Lexington-Fayette Urban County Government and chapter 25 of the Lexington-Fayette Urban County Government Code of Ordinances. Aides to council shall serve at the will of the councilmember(s) appointing them. The division of human resources shall advise and monitor hiring decisions made by councilmembers. All aide to council appointments must be ratified by the council. Aides to council shall provide all necessary administrative and clerical assistance to their councilmember(s), including analytical and research support functions. Each councilmember shall be responsible for interviewing and hiring his or her aide(s) and may take such disciplinary actions against the aide(s) to council as he or she determines necessary, with the concurrence of the division of human resources. It is the desire of council that all employees shall receive progressive discipline, but each aide to council serves at the will of the councilmember appointing him or her. In the event that councilmembers agree to share a single aide to council, all decisions regarding the employment and discipline of the employee must be unanimous. If the decision to dismiss is not unanimous, the aide to council shall become the aide to council of the councilmember who has not agreed to his or her dismissal.
- (2) *Administrative staff:* General administrative support shall be provided to the council by the core staff. In the absence of the council administrator, a core staff member shall be designated by the council administrator and approved by the vice-mayor to assume general direction and supervision.
- (3) *Citizens' advocate:* The council shall appoint a citizens' advocate pursuant to section 4.11 of the Charter of the Lexington Fayette Urban County Government.
 - (a) The citizens' advocate shall be appointed by the council from a list of candidates recommended by an "ad hoc" citizens' committee established for that purpose. Said committee shall be appointed by the council and composed of citizen representatives from each of the twelve (12) council districts. The citizens' advocate may be removed without cause by a three-fifths ($\frac{3}{5}$) vote of the entire council during his or her first year of service. After one (1) year of service, the citizens' advocate may be removed without cause by a three-fifths ($\frac{3}{5}$) vote of the entire council, provided that he or she shall be granted six (6) months' notice of the council's intention to remove him or her, or in the alternative he or she shall be granted six (6) months' severance pay. After one (1) year of service a citizens' advocate may be removed at any time for sufficient cause or willful neglect of duty by a three-fifths ($\frac{3}{5}$) vote pf the council in accordance with the procedure established in Charter sections 4.11 and 5.09. An annual performance evaluation of the citizens' advocate shall be conducted by a committee comprised of the three (3) at-large councilmembers utilizing the

LFUCG performance review guidelines. The citizens' advocate shall be provided support staff as authorized by council.

- (b) The citizens' advocate shall be responsible for interviews and recommendations for the hiring and discharging of employees in the office of the citizens' advocate.
- (c) The citizens' advocate office, under the supervision of the citizens' advocate, shall perform the duties imposed upon the citizens' advocate by section 4.11 of the Charter and by the guidelines promulgated by council (Part 1).

Section 3 – That Section 3.103. Introduction of bills, of Chapter 3. Legislation, of the Rules, be and hereby is amended to read as follows:

Sec. 3.103. Introduction of bills.

- (a) *Introducers:* All ordinances and resolutions shall be introduced by the mayor, or by other officers or employees via the administrative review procedure, which requires the knowledge and consent of the mayor. See rule 4.104 and Part 3. Councilmembers may introduce ordinances and resolutions at a meeting of the urban county council.
- (b) *Time and manner of introduction:* All informational materials which the introducer intends to provide to the council relating to any item on the work session agenda shall be received by the council administrator no later than ~~[12:00 noon on the Thursday]~~ close of business the Wednesday preceding the work session at which the introducer seeks to have it presented. If this requirement is not met, the council shall defer action on the item to a later work session or refer it to committee unless, by majority vote of those present, the item is determined to be urgent or to relate to an emergency, thereby requiring discussion and review at that time.
- (c) *Introduction into council:* The council shall only consider in regular, public meeting those ordinances and resolutions approved for action at a prior work session. The only exceptions to this shall be in any case where the mayor pursuant to Charter section 4.07 determines to introduce, present or otherwise insert into the record of the council any ordinance or resolution and In any case where the council, by majority vote of those present, determines to "walk on" to the agenda of any regular, public meeting any ordinance or resolution. All ordinances and resolutions must be read on at least two (2) separate days, except as otherwise provided by law. See rule 4.501. A councilmember shall not be required to introduce legislation using the legislative review process, but may do so at his or her discretion.

Section 4 – That Section 4.103. Special meetings, of Chapter 4. Procedures, Part 1. Meetings, of the Rules, be and hereby is amended to read as follows:

Sec. 4.103. Special meetings.

- (1) Except as provided in subsection (5) of this rule, special meetings shall be held in accordance with the provisions of subsections (2), (3), and (4) of this rule.
- (2) The presiding officer or a majority of the members of the council or council committee or subcommittee may call a special meeting.
- (3) The council clerk shall provide notice of the special meeting if the meeting is held pursuant to rule 4.102. The council administrator shall provide the notice if the meeting is a work session held pursuant to rule 4.104; a committee or subcommittee meeting held pursuant to rules 2.101 through 2.205; or a public meeting held pursuant to rule 4.108~~[, if the council requests that special notice be given].~~

The notice shall consist of the date, time, and place of the special meeting and the agenda. Discussions and action at the meeting shall be limited to items listed on the agenda in the notice.

- (4) As soon as possible, written or electronic notice shall be delivered to every member of the body as well as each media organization that requested to receive notice of special meetings. Notice shall also be posted in a conspicuous place in the building where the special meeting will take place and in a conspicuous place in the Lexington-Fayette Government Center at least twenty-four (24) hours before the special meeting. The notice shall be calculated so that it shall be received at least twenty-four (24) hours before the special meeting.
- (5) In the case of an emergency which prevents compliance with subsections (3) and (4) of this section, this subsection shall govern conduct of a special meeting. The special meeting shall be called pursuant to subsection (2) of this section. The body shall make a reasonable effort, under emergency circumstances, to notify the members of the agency, media organizations which have requested to receive notice of special meetings pursuant to subsection (4)(a) of this section, and the public of the emergency meeting. At the beginning of the emergency meeting, the person chairing the meeting shall briefly describe for the record the emergency circumstances preventing compliance with subsections (3) and (4) of this section. These comments shall appear in the minutes. Discussions and action at the emergency meeting shall be limited to the emergency for which the meeting is called.
- (6) Reserved.

Section 5 – That Section 4.104. Work session, of Chapter 4. Procedures, Part 1.

Meetings, of the 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 (See Part 3). 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. Budget Adjustments – for information only
 - VI. New business.
 - VII. Continuing business/presentations.*
 - VIII. Council report.
 - IX. Mayor's report.
 - X. Mayor's Report – Price Contract Bid Recommendations
 - XI. Public comment—issues not on agenda.
 - XII. Adjournment.
- (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;
 - (iv) Communications from the mayor (for information only); and
 - (v) Personnel matters.
- (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.

Section 6 – That Part 7. Council Capital Project Expenditure Policy, of the Rules, be and hereby is created as follows:

PART 7. COUNCIL CAPITAL PROJECT EXPENDITURE POLICY.

In fiscal years in which funds are available and funds have been appropriated to the Council Office budget for Councilmembers to support capital projects, the following policy shall be used to govern the expenditure of said funds.

I. Appropriation of Funds:

In fiscal years in which funds are available, the Council may appropriate funds to the council office budget for projects. Each councilmember shall be allotted 1/15th of the total funds appropriated.

No councilmember running for election may make a Project Expenditure within thirty (30) days prior to any election; however, this provision shall not apply to Councilmembers who are unopposed.

In an election year, any councilmember leaving office, or facing opposition may only utilize 50% of their overall budget, including funds for capital expenditure projects. The remaining 50% will be replenished after the election for use by the successful candidate.

Once approved, all projects must be encumbered by the end of the following fiscal year.

II. Definition of Appropriate Expenditures:

In order to qualify for project expenditure, funds used to support Urban County Government projects must be one-time expenditures (not recurring or ongoing expenses).

III. Matching Funds:

It is within the discretion of the councilmember making the project expenditure allocation to determine whether to require the entity receiving the allocation to provide matching dollars to support its capital project.

A councilmember soliciting project expenditures from other councilmembers shall indicate whether a match will be required.

Project Fund Allocations specifying matching dollars may be made at a ratio stipulated by the councilmember initiating the request.

IV. Types of Project Expenditures:

Councilmembers may use their project expenditure funds for the following types of projects:

1. Improvements to common areas – a “common area” is defined as an area which is used by the general public which is not privately owned, i.e. public right-of-way.
2. Improvements to private property for the benefit of public good – improvements to private property are generally not appropriate; however, under limited circumstances, public funds may be used to improve private property for a public purpose, i.e. correction of engineering or environmental issues.

If a councilmember is considering a capital expenditure project that will be used for private property, the councilmember should contact the Department of Law to determine whether or not the expenditure is appropriate as soon as possible after receiving the request.

3. Improvement of state and federal property – funds may be used to improve state or federal property within Fayette County so long as the State and Federal Governments are in agreement with the improvements and the improvements are in furtherance of the public good of the citizens of Fayette County.
4. Improvements to property in which the Urban County Government has a property interest, i.e. fee simple, leasehold, easement – if the Urban County

Government has a leasehold interest or an easement, improvements to the property may be subject to the approval of the owner of the property.

V. Internal Governmental Project Expenditures:

Internal Governmental Project Expenditures are expenditures in which funds from the Council Project Expenditure account are allocated to a department or division of the Lexington-Fayette Urban County Government.

The process for appropriating funds to another department or division of the Lexington-Fayette Urban County Government is as follows:

1. A councilmember may receive a request from a department or division of the government for a project expenditure appropriation or a councilmember may, on his or her own, initiate a project expenditure allocation to a particular department or division.
2. At least eight (8) days prior to the work session in which the proposed project expenditure allocations are presented, the following information shall be provided to the Council Administrator:
 - a. Department or division receiving the allocation
 - b. Description of the project
 - c. Amount of funds to be allocated
 - d. Accounting string for transfer of funds
 - e. Project commencement date
 - f. Project completion date
3. The Council Administrator or his or her designee will be responsible for preparing a Budget Amendment to transfer the funds from the Council Office to the department or division.
4. The Commissioner and/or Division Director of the department and/or division receiving the funds shall be responsible for ensuring that the project is completed on time and provide updates to council related to any timeline changes.

Section 7 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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