

RESOLUTION NO. _____ - 2018

A RESOLUTION AMENDING APPENDIX A – RULES AND PROCEDURES OF THE
LEXINGTON-FAYETTE URBAN COUNTY 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 _____ on _____, 2018.

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

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

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

PURPOSE. – The Lexington-Fayette Urban County Council Rules and Procedures provide instruction and direction on a wide variety of areas necessary to administer the work of the Lexington-Fayette Urban County Council.

Sec. 1.101. - Vice-mayor.

- (a) *Term of Office:* The vice-mayor shall be the at-large member of the council who received the highest number of votes in the last preceding general election of the merged government at which at-large council members were elected. In the event the at-large member receiving the highest number of votes in the general election should be or become unwilling, unqualified or unable to serve, the at-large member who received the next highest number of votes and who is willing and qualified to serve shall become vice-mayor. In the event of a tie between at-large members as

to the highest number of votes received in the general election, the vice-mayor shall be chosen by the majority vote of the council from among the tied at-large members of the council at a special meeting of the council members elected in the general election of the merged government at which at-large council members were elected. The vice-mayor shall serve for a term of four (4) years and shall assume office on the first Monday in January following his or her election.

- (b) *Method of Election:* The election of vice-mayor, if necessary, may be by roll call or written ballot, conducted by the council clerk.
- (c) *Legislative Duties of the Vice-Mayor:* The legislative duties of the vice-mayor shall be as follows:
 - (1) Serve as the presiding officer of the council in the absence of the mayor. When serving as presiding officer, the vice-mayor shall retain his or her eligibility to vote on all matters.
 - (2) Appoint all committees.
 - (3) Appoint a parliamentarian.
- (4) Authorize and refer items to committee. (d) *Administrative Duties of the Vice-Mayor:* The administrative duties of the vice-mayor shall be as follows:
 - (1) Supervision of the Council Administrator
 - (2) Overseeing the office space of the Council

Charter reference— Presiding officer, rules of procedure, meetings, § 4.07.

Section 3 – That Section 1.102 of the Code of Ordinances 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 LFUCG 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 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 of 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 4 – That Section 1.104 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 1.104. – RESERVED.

Section 5 – That Section 1.105 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 1.105. - Council officers, appointees and employees.

- (a) *Personal interest:* All council officers, core staff and aides shall comply with the code of ethics in article 16 of the Charter and with the ethics act, chapter 25 of the code of ordinances. In addition, thereto, no council officer, core staff or aide shall lobby any councilmember concerning any contract or matter pending before the council and no core staff or aide shall engage in or be asked to engage in any political activity while on duty.
- (b) *Travel and expenses:* All employees and appointees of the council office shall abide by LFUCG travel and expense procedures. (c) *Approval of vouchers:* A travel voucher shall be prepared in conformity with LFUCG procedures.

Section 6 – That Section 1.201 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 1.201. - Councilmembers to vote.

It is the duty of each councilmember present at any meeting of the council to vote on each question put by stating "yea" (yes), "nay" (no), or "abstain", except that no councilmember shall be permitted to vote on any question immediately concerning his or her private interests. Any councilmember who has a private interest in any matter pending before the council shall disclose such private interest on the records of the council and shall disqualify himself or herself from participating in any decision or vote relating thereto. A councilmember may disqualify himself or herself and disclose his or her interests orally to the council while in formal meeting or work session or in writing to the council clerk. A disqualified member may remain for quorum purposes only, but shall not participate in any discussion or vote on the subject. (Charter sections 16.02 and 16.03 and Code sections 25-5 and 25-6.)

Any members present at the time a vote is taken who does not vote "yea" or "nay" or announce his or her disqualification shall be counted as abstaining. Abstentions shall count with the majority votes.

Section 7 – That Section 1.203 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 1.203. - Correspondence and files.

Official stationery, in both physical and electronic format, shall not be used for the personal correspondence of any councilmember.

Section 8 – That Section 1.204 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 1.204. - Travel and expenses.

- (1) Councilmembers shall notify all councilmembers in writing of their intent to travel or attend any seminar, conference, etc., at the expense of the urban county government.
- (2) Councilmembers who travel using government funds shall provide materials about conferences and events attended to the Council Administrator.

Section 9 –That Section 1.301 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 1.301. - RESERVED

Section 10 –That Section 1.302 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 1.302. - RESERVED

Section 11 –That Section 1.303 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 1.303. - RESERVED Section 12 –That Section 1.304 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 1.304. - RESERVED CHAPTER II. - COMMITTEES

PART 1. - GENERAL RULES

Section 13 – That Section 2.101 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2.101. - Appointment of committees.

Except in the case of ex officio members, the vice-mayor shall appoint the members of the standing committees of the council and such special committees as may be established by the vice-mayor or by majority vote of the council. All appointments to the standing committees shall be made for a term of two (2) years, to coincide with the terms of district councilmembers, and all appointments to special committees shall be made for the term of the committee. Except as otherwise provided herein, each standing committee shall elect its own chairperson, who shall appoint a vice-chairperson. In the event of a tie vote when electing a chairperson, and the committee is unable to break the tie after two rounds of voting, the election of the chairperson shall be made by the full council by vote. The vice-mayor shall serve as the chairperson of the committee until the full council vote is completed. In the event the chairperson is no longer able to fulfill his or her role, the vice-chairperson will assume the role of chairperson and appoint a new vice-chairperson. The vice-mayor shall designate the chairperson of any special committee. Ad hoc committees are a form of special committee and are subject to the same appointment and chair designation procedures as provided in this section for special committees.

Section 14 – That Section 2.102 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2.102. - Standing committees.

As soon as possible after the election of councilmembers, the vice-mayor shall make appointments to the standing committees, as required by these rules. If necessary after committee chairs have been selected, the vice-mayor shall adjust appointments only as needed to comply with this rule.

The standing committees shall be as follows:

- (1) Planning and public safety committee, to which shall be referred matters relating to the department of planning, preservation and development and its divisions, the department of public safety and its divisions, any related partner agencies, and matters relating to capital improvement projects.
- (2) General government and social services committee, to which shall be referred matters relating to the department of general services and its divisions, the department of social services and its divisions, the department of law, any matter relating to the general administration of government and the divisions

under the chief administrative officer, any related partner agencies, and any other matters relating to capital improvement projects.

- (3) Environmental quality and public works committee to which shall be referred matters relating to the department of environmental quality and public works and its divisions, including capital improvement projects and any related partner agencies.
- (4) Budget, finance and economic development committee, to which shall be referred matters relating to the department of finance and its divisions, and any related partner agencies, including capital projects, the urban county courts and constitutional officers, fiscal operations of the government, revenues and expenditures of the government, and organization changes which affect the fiscal operations of the government (consideration limited to operational aspects only) and to which shall be referred matters relating to economic development and related partner agencies. Additionally, this committee shall review the final audit report and management letter of the accounting firm recommended by the mayor and selected by the council to conduct the annual financial audit of the urban county government and shall report its findings concerning the same to the mayor and council for appropriate action.

The planning and public safety, general government and social services, environmental quality and public works, and budget, finance and economic development committees shall each consist of ten (10) councilmembers and each councilmember shall serve on two of these four committees. The budget, finance and economic development committee shall be comprised of the vice-mayor, two additional at-large councilmembers, chairpersons of the remaining standing committees, and four additional councilmembers.

Section 15 – That Section 2.103 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2.103. - Special committees.

Special or ad hoc committees may be appointed or created by the mayor or vice-mayor or may be created by a majority vote of council for any specific purpose proper for council consideration. The chairperson of a special or ad hoc committee may appoint one (1) or more members of the committee to study bills or particular matters within the committee's jurisdiction. Non-councilmembers may be appointed to serve on special or ad hoc committees when assistance of others is required. When such committee is created, its task and a time frame will be established. Upon making its final report to the body that created it, such a special or ad hoc committee shall be dissolved.

Special or ad hoc committees shall adopt a schedule of meetings at their first meeting, and amend the schedule of meetings in order to add additional meetings. Notification of special meetings is required as outlined in Sec. 4.103.

Section 16 – That Section 2.104 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2.104. – Subcommittees of standing committees.

The chairman of a standing committee may appoint one (1) or more subcommittees, consisting of one (1) or more members of the committee, to study individual bills or particular matters within the committee's jurisdiction. Subcommittees must consist of members of the committee, except when otherwise authorized by the council in cases where the committee is appointed to take action that requires the assistance of others. Subcommittees of standing committees shall be staffed by the council's core staff. The final report from the subcommittee shall be made to the committee that created it and shall have the effect of dissolving the subcommittee.

Subcommittees shall adopt a schedule of meetings at their first meeting, and amend the schedule of meetings in order to add special meetings. Notification of special meetings is required as outlined in Sec. 4.103.

Section 17 – That Section 2.105 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2.105. - Committee of the whole.

The council may resolve itself into a committee of the whole council. The vice-mayor shall be chairperson of the committee of the whole council, but may designate another member to preside or act as chairperson at such times and for such periods as he or she may desire. In the absence of the vice-mayor, the committee of the whole council shall be chaired by the at-large member present who received the second highest number of votes in the previous general election when at-large elections were held. If no at-large member is present, the committee of the whole shall elect one of its members to serve as chair. The committee of the whole shall be charged with handling personnel matters relating to the council office staff. A quorum for the committee of the whole shall be eight (8). The budget, finance and economic development committee shall resolve itself into the committee of the whole during the review of the mayor's proposed budget and return to the original budget, finance and economic development committee structure upon adoption of the budget. If the vice-mayor is absent, the current chair of the budget, finance and economic development committee shall preside.

- (a) Prior to the mayor's annual budget address, the chair of the budget, finance and economic development committee will assign council members to various link committees. The five (5) link committees (each made up of three (3) council members), are tasked with reviewing a section of the mayor's proposed budget. The chair of the budget, finance and economic development committee shall assign a chairperson for each link in the event that no council member expresses an interest in serving as chairperson.
- (b) The link committees shall adopt a meeting schedule to meet with commissioners and division directors to review and discuss budget requests. These meetings shall be scheduled to avoid overlap so that the Chief Administrative Officer (CAO), Commissioner of Finance and his or her staff, and the council core staff may attend.
- (c) The chair of the link committee shall report the committee findings and recommendations to the full council during a committee of the whole budget meeting (Sec. 2.105). The chair of the budget, finance and economic development committee may determine the best process and order for the committees to report their findings.
- (d) In the event that a link makes a recommendation that requires additional funding, it shall be the responsibility of the link committee to locate the source of the funds to cover the additional expense. The full council shall vote to approve or deny any recommendation brought forward by the link committee as well as the recommended funding source.

Section 18 –That Section 2.107 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2.107. - Confirmation committees.

A committee of the whole shall convene under this section subject to the following:

- (a) Department commissioners:
 - (1) The council shall not exercise the confirmation power granted in section 5.04 of the Charter until it conducts a minimum of one (1) hearing to determine the

qualifications and suitability of any department commissioner recommended by the mayor for confirmation.

- (2) Any hearing(s) held pursuant to subsection (1) shall commence within ten (10) working days of receipt of notice from the mayor recommending confirmation of a department commissioner and shall conclude within twenty-five (25) working days of receipt of notice as provided herein. Confirmation shall require a vote of a majority of the council at a regular or special meeting of the council.
 - (3) All meetings held pursuant to subsection (1) shall be conducted in accordance with the provisions of section 2.105 of these rules and procedures.
 - (4) Nothing in this section is to be construed as an infringement by the council upon the appointive powers of the mayor pursuant to section 5.04 of the Charter.
- (b) Other appointments:

(1) Pursuant to Chapter 25 of the Code of Ordinances, a confirmation hearing shall be held for all individuals appointed to any of the agencies listed in Section 25-4(1), which shall not include individuals appointed to Special Purpose Governmental Entities, as defined in KRS Chapter 65A.

- (a) With the exception of Special Purpose Governmental Entities, for agencies listed in Section 25-4(1), when a vacancy exists due to death, resignation or removal, the office of the mayor shall notify the urban county council within seven (7) days of said vacancy.
- (b) When a vacancy exists on the Board of Adjustment or the Planning Commission, council members are encouraged to submit nominations for consideration within seven (7) days from receipt of the notice from the office of the mayor.
- (c) The office of the mayor shall, ninety (90) days prior to the expiration of the term of any member of the Board of Adjustment or Planning Commission, notify the urban county council of the term expiration date. Council members are encouraged to submit nominations for consideration within seven (7) days from receipt of the notice from the office of the mayor.

(2) Prior to the confirmation hearing, the office of the mayor shall provide the council administrator with the following documents:

- (a) Application, which shall be delivered to the council administrator no later than five (5) days prior to a scheduled confirmation hearing;
- (b) Resume, which shall be delivered to the council administrator no later than five (5) days prior to a scheduled confirmation hearing; and
- (c) Statement of Financial Interest, which shall be delivered to the council administrator no later than five (5) days prior to a scheduled confirmation hearing.

Section 19 – That Section 2.108 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2.108. - Oversight committees.

- (a) Oversight committees may be appointed or created by the mayor or vice-mayor or may be created by a majority vote of council to examine specific governmental operations or functions proper for council oversight. Non-councilmembers may be appointed to serve on an oversight committee when assistance of others is required. Only councilmembers shall be voting members of an oversight committee.

A quorum of an oversight committee shall be a majority of its voting members. When an oversight committee is created, it shall be given a task, which shall include its mission and purpose, and a time frame for its existence. For any oversight committee already in existence, its task and time frame shall be established within thirty (30) days of adoption of this rule.

- (b) Prior to making appointments to any oversight committee created by council or the vice-mayor and whose members are appointed by the vice-mayor, the vice-mayor shall consider recommendations from the council and the mayor. The Provisions of Rule 2.101 notwithstanding, members shall serve for the life of the committee or one year from the date of appointment, whichever is shorter. Members may be re-appointed to the committee. The membership roster of every oversight committee shall be updated and circulated to every councilmember and the mayor at least once a year. The roster shall be made available to the public at all times.
- (c) Each oversight committee shall establish a schedule of regular meetings stating the time and place of each meeting and shall make an agenda for each meeting available to the public prior to the meeting. Minutes of oversight committee meetings shall be taken and shall be made available to the public and circulated to every councilmember no later than immediately following the next meeting of the committee. Recommendations for ordinance amendments, resolutions, or policy changes shall be presented at work session by the chair of the oversight committee.

Section 20 – That Section 2.202 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2.202. - Meetings.

Standing committees may schedule at least one (1) regular meeting each month. A schedule of meetings, including the dates and times of standing committees, shall be adopted annually by the council by ordinance. All standing committee meetings shall be held in the council chambers on the second floor of the Lexington-Fayette Government Center, and shall be open to the public. Any standing or special committee or subcommittee may call special meetings in compliance with rule 4.103 and KRS 61.823.

Section 21 – That Section 2.203 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2.203. - Attendance.

Each councilmember is expected to attend every regular or special meeting of each standing or special committee to which he or she is appointed, unless he or she has notified the council office or committee chairperson of a pending absence. Every councilmember may attend any meeting of any committee of which he or she is not a member and there participate in discussion and offer comment, but may vote only when his or her attendance is necessary to constitute a quorum. However, any time a noncommittee member is counted as part of the quorum for a committee meeting, he or she shall be permitted to vote, make motions and otherwise actively participate during the remainder of that meeting notwithstanding the subsequent arrival of a committee member or members.

Section 22 – That Section 2.204 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2.204. - Reference of matters to committee.

The vice-mayor may refer any item directly to committee. The chair of a standing committee may refer any item to his or her standing committee. Any councilmember may request the vice-mayor to refer items to committee. Otherwise, items shall be referred to committee by a majority vote. This notwithstanding, the council may at any time consider and act on any matter referred to committee. All items which are sent

directly to committee through the vice-mayor should be included as information in the packet and notice given at work session.

Section 23 – That Section 2.205 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2.205. - Reports.

Any permanent or standing committee of the urban county council to which a proposal has been referred shall report to the urban county council upon each such proposal, either with or without a recommendation unless the urban county council shall withdraw the proposal or reassign it. After any hearing by the committee upon a proposal, the chairperson of the committee shall submit a formal report of the committee's action, in writing, to the council. The report shall include any recommendations supported by a majority of the committee and may, upon request of any member of the council, include a minority position. A summary of the report may include these action items with brief remarks on items discussed. Copies of all committee reports shall remain on file in the council office. The committee report of action may be part of the committee minutes or summary, copies of which shall be distributed to all councilmembers and filed in the council office. (See Part 3).

Section 24 – That Section 2.206 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 2.206. - Presentation to committee.

Any person making a presentation to a committee of the Urban County Council shall provide the Council Administrator, or staff assigned to the committee, with an electronic copy of the presentation by the close of business the Wednesday prior to the scheduled meeting date. Failure to provide the requested materials may result in postponement of the presentation.

Section 25 –That Section 3.102 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 3.102. - Preparation of legislation.

- (a) *Responsibility:* Draft ordinances or resolutions will usually be prepared by the department of law upon the request of the mayor, the chief administrative officer, any councilmember, a member of any board, agency or commission, or a department commissioner. See Part 2.
- (b) *General Form:* All draft ordinances and resolutions shall be typewritten on paper of eight and one-half (8½) inches by fourteen (14) inches. For all ordinances or resolutions, the ordaining or resolving clause shall be as follows:
 - (1) *For ordinances:* "BE IT ORDAINED by the Council of the Lexington-Fayette Urban County Government:".
 - (2) *For resolutions:* "BE IT RESOLVED by the Council of the Lexington-Fayette Urban County Government:".
- (c) *Language:* In preparing ordinances and resolutions for introduction, the following rules regarding language shall be followed:
 - (1) Legislation proposing to amend the Code of Ordinances shall be prepared in accordance with the provisions of section 1-6 of the Code.
 - (2) Each ordinance or resolution shall have a title, which shall clearly and distinctly state its general subject matter. If the title of the ordinance or resolution is to serve as a synopsis of the contents to be read in lieu of reading the ordinance or resolution itself, it shall be so certified by an attorney licensed to practice law in the Commonwealth of Kentucky on the reverse side of the ordinance or resolution. (KRS 67A.070(3)).

- (3) Each section of an ordinance or resolution shall be numbered. The effect of catchlines of sections of the Code of Ordinances shall be as set out in section 1-3 of the Code.
- (d) *Numbering:* All draft ordinances and resolutions, not prepared for direct placement on the docket of a formal council meeting, shall have the word "draft" typed in the upper right-hand corner of the first page, along with the date of its release by the department of law.

Section 26 – That Section 3.103 of the Code of Ordinances 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 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 27 – That Section 4.101 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 4.101. - Meetings, generally.

The urban county council shall meet in regular, public meetings at least twice a month. The regular meetings of the council shall be held on the dates and times specified in a schedule of meetings adopted annually by the council by ordinance. All council meetings shall be held in the council chambers on the second floor of the Lexington-Fayette Government Center, and shall be open to the public (Code Sec. 2-1).

Section 28 – That Section 4.102 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 4.102. - Regular meetings.

- (a) *Call of council; quorum.* The presiding officer shall take the chair at the hour designated for convening the urban county council for any regular public meeting or special meeting, shall then call the council to order and determine the presence of a quorum. A quorum of all regular public meetings, and special meetings, of the urban county council shall consist of not fewer than ten (10) of the fifteen (15) members of the council (Charter section 4.07). If the presiding officer determines that a quorum is not present, the presiding officer shall

recess the urban county council for a maximum of thirty (30) minutes, or until the chair determines that a quorum is present, whichever occurs first. At the end of the thirty (30) minutes, if a quorum is not present, the urban county council shall not meet until its next regular public meeting, special meeting, or work session. If during any regular public meeting, or special meeting, it is determined that a quorum of ten (10) councilmembers is not present, the urban county council shall recess for up to a maximum of fifteen (15) minutes, after which time, if no quorum is present, the council shall adjourn until its next scheduled meeting. When the call is ordered, the council clerk shall call the roll of the councilmembers, rotating the call alphabetically at each meeting so that a different councilmember shall be called first each meeting.

(b) *Order of business.* The following order of business shall apply for regular public meetings of the urban county council:

- (1) Invocation.
- (2) Roll call.
- (3) Minutes of previous meeting.
- (4) Presentations (groups or individuals may be recognized and special awards or commendations given; such recognition/award process shall be noted in the records of the council clerk).
- (5) Ordinances:
 - a. Second reading.
 - b. First reading.
- (6) Resolutions:
 - a. Second reading.
 - b. First reading.
- (7) Communications from the mayor.
- (8) Communications from the mayor (for information only).
- (9) Public hearing (public hearings may be scheduled for an appointed time during an urban county council regular public meeting, and the regular order of business may be delayed to allow for the public hearing).
- (10) Fire/Police Discipline – YES or NO
- (11) Comments or announcements by councilmembers.
- (12) Public comment (the urban county council may by majority vote recess to a committee of the whole to hear general public comment).

Section 29 – That Section 4.103 of the Code of Ordinances 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 30 – That Section 4.104 of the Code of Ordinances 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. New business.
 - VI. Continuing business/presentations.*
 - VII. Council report.
 - VIII. Mayor's report.
 - IX. Public comment – issues not on agenda.
 - X. 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; and
 - (iv) Communications from the mayor (for information only).
 - (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 31 – That Section 4.105 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 4.105. - Executive sessions.

Executive or closed sessions may be held upon a majority vote of a quorum of the council pursuant to the limitations set forth in KRS 61.805 et seq.

Section 32 – That Section 4.106 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 4.106. - Public comment during meeting.

Members of the public wishing to address the urban county council on a particular subject shall rise to be recognized by the presiding officer or shall sign up on a sheet in the back of the room. When recognized, the person shall state his or her name and address for the record. Comment shall be limited to three (3) minutes. Members of the public who have signed up to speak may yield their time, when present, to another member. Under no circumstances shall a member of the public be allowed to speak longer than fifteen (15) minutes.

The urban county council may suspend this rule by a two-thirds (2/3) vote of the councilmembers in attendance at the meeting and allow members of the public additional time to speak on a particular matter.

Every speaker shall exercise decorum during debate, conduct himself or herself in a courteous manner, and refrain from using unbecoming, derogatory, or abusive language, and shall also refrain from making personal attacks or accusations.

Section 33 – That Section 4.107 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 4.107. - Distribution of informational material to public during meeting.

Any person making a presentation to the Urban County Council at a regular or special meeting or a work session shall provide the council administrator, or staff assigned to the committee, with an electronic copy of the presentation by the close of business the Wednesday prior to the scheduled meeting date. Failure to provide the requested materials may result in postponement of the presentation.

Section 34 – That Section 4.108 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 4.108. - Public hearing; public meeting; public comment.

- (1) *Public hearings:* Public hearings may be scheduled by the council as required by law to receive citizen comment and testimony on items under consideration by the council. Public hearings usually have formal procedures determined by the nature of the action, for example, hearings on zone changes, etc. The Council Clerk is responsible for providing public notification of public hearings.
- (2) *Public forum:* Public forums are requested by council for the purpose of providing a public venue for comments on issues. Procedures for conducting public forums are determined by the presiding officer in accordance with council rules and Robert's Rules of Order newly revised. The council administrator shall provide notice of the date, time and place of any public forum requested by council. The Council Administrator is responsible for providing public notification of public forums.
- (3) *Public comment:* Public comment is included in the order of business at regular, public meetings of the council (rule 4.102(b)(10)), and may be included by request on specific agenda items at council work sessions.

Section 35 – That Section 4.201 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 4.201. - Presiding officer.

The presiding officer of the council shall be the chief executive officer of the merged government, to be known as the "mayor". As presiding officer, the mayor shall have a vote on all matters, substantive and procedural, only in the case of a tie vote among the elected members of the council. However, when voting on an ordinance or resolution and there is a tie vote among the elected members of the council, with one (1) or more members abstaining, the mayor may cast the tie-breaking vote only if those abstaining would be in a position to assist in making the decision, i.e., only if the total number of

elected councilmembers voting affirmatively and abstaining equals eight (8) or more (Example: A vote of 6-6-1 could not be broken by the mayor's vote, but a vote of 6-6-2 could be.) In no case shall the mayor, as presiding officer, be denied the right of introducing, presenting or otherwise inserting into the record of the council any resolution, recommendation, or proposed ordinance. (Charter section 4.07) In the absence of the mayor, the presiding officer of the council shall be the vice-mayor. The powers of the vice-mayor as presiding officer of the council shall be the same as those prescribed for the mayor, except that the vice-mayor shall be entitled to vote on all matters, substantive and procedural, when serving as presiding officer of the council. (Charter Section 4.07) In the absence of the mayor and the vice-mayor, the next highest vote-getter among the councilmembers at-large shall preside until the arrival of the mayor or vice-mayor. While serving as the presiding officer, the councilmember at-large shall be entitled to vote on all matters, substantive and procedural. In no case shall the chairmanship of the presiding councilmember at-large extend beyond adjournment of the meeting. The rules contained in this section shall govern all regular public meetings, special meetings and work sessions of the urban county council.

Section 36 – That Section 4.301 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 4.301. - Recognition.

Any councilmember wishing to address the council shall request recognition to speak by signing in to his or her computer work station. The chair shall recognize all members requesting recognition unless a motion taking precedence is offered.

Section 37 – That Section 4.302 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 4.302. - Manner of speaking.

No councilmember shall speak on any question or discuss any matter, nor interrupt another, nor make a motion without recognition from the presiding officer. No councilmember shall be interrupted by another without the consent of the councilmember who has the floor, unless it be to call him or her to order. Every speaker shall exercise decorum during debate, conduct himself or herself in a courteous manner, confine his or her remarks to the question, and refrain from using unbecoming, derogatory, or abusive language, and shall also refrain from making personal attacks or accusations.

Section 38 – That Section 4.303 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 4.303. - Speak but twice.

No councilmember shall speak more than twice, nor more than five (5) minutes on each occasion, upon any one (1) question in debate during the same regular public meeting, special meeting, or work session, without leave of the council, except in explanation, unless he or she is the mover, proposer, or introducer of the matter pending, in which case, he or she shall be permitted to speak in reply, but not until every other member desiring to speak shall have spoken.

Section 39 – That Section 4.401 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 4.401. - Motions: How made, withdrawn.

Every motion shall be made orally unless the presiding officer requests that it be reduced to writing. Every motion must have a mover and a second. When a motion is made and seconded, it shall be stated by the presiding officer and the mover shall have the floor. Once the motion has been stated, it shall be debated and disposed of by vote.

of the council. However, the mover may withdraw a motion at any time before it has been amended or before a vote thereon shall have commenced.

Section 40 – That Section 4.501 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 4.501. - Official action.

Official action of the council shall be by the adoption of ordinances and resolutions only. No ordinance or resolution shall be passed until it has been read on at least two (2) separate days; except that the council may, by two-thirds (2/3) vote of the members, vote to suspend the rules and proceed with the second reading, except in matters pertaining to appropriations, taxation or finance.

When a motion for second reading is made, the mover shall state why it is necessary for the matter to receive a second reading.

An ordinance or resolution may be amended at second reading by a vote of the majority of members in attendance; provided however, that a material change to an ordinance or resolution would require a new first reading. Requirements for reading ordinances or resolutions may be satisfied by public reading of the title and of a certified synopsis of the contents prepared by an attorney licensed to practice law in the Commonwealth of Kentucky. (Charter sections 4.07 and KRS 67A.070(3)).

Section 41 – That Section 4.505 of the Code of Ordinances be and hereby is amended to read as follows:

Section 4.505 Voting required unless excused.

Every councilmember who is present when a question is put, unless he or she is excused as provided in rule 1.201 shall give his or her vote in the negative or affirmative. Any councilmember who abstains from giving his or her vote shall be considered as acquiescing in the action of the majority of those who do vote. Such abstentions shall be counted with the majority.

Section 42 – That Section 4.601 of the Code of Ordinances be and hereby is amended to read as follows:

Sec. 4.601. - Budget amendments.

- (1) Prior to the presentation of the final audit report in any given fiscal year, council shall not approve any budget amendment which reduces the budgeted fund balance in the current fiscal year unless the following conditions are met:
 - (a) A certification is given by the chief administrative officer that an emergency exists. The certification shall set out the reason(s) an emergency situation exists;
 - (b) The budget amendment request involves personnel actions which do not affect the fund balance; or
 - (c) The budget amendment request involves a reappropriation of funds.
- (2) Any budget amendment request which does not meet the criteria set out above and will result in a reduction of the budgeted fund balance shall be referred to the council administrator or his or her designee by noon on the Thursday prior to the work session at which it is to be presented to the council. The budget amendment request shall be accompanied by a detailed statement setting out the reason(s) the council should approve the request prior to the receipt of the final audit report. The council may request the council administrator or his or her designee to prepare a report to the council recommending approval or disapprove of the request.

Section 43 – That APPENDIX A. - GUIDELINES FOR THE OFFICE OF CITIZENS' ADVOCATE be and hereby is amended to read as follows:

PART 1. - GUIDELINES FOR THE OFFICE OF CITIZENS' ADVOCATE

WHEREAS, section 4.11 of the Charter, Lexington-Fayette Urban County Government, sets forth that the urban county council shall appoint a citizens' advocate to provide the citizens of Fayette County with an independent agent through whom they can seek redress of their grievances; and

WHEREAS, it is the intent of this Charter provision that the citizens' advocate function as an ombudsman so that a citizen of Fayette County aggrieved by the action or inaction of an official, agent or employee of the urban county government may be able to state his or her grievance to an official functionary empowered to investigate and express recommendation; and

WHEREAS, an integral function of the office of the citizens' advocate is to inform the urban county council of the activities of the citizens' advocate; and

WHEREAS, the citizens' advocate must necessarily deal with executive and administrative personnel within the urban county government in the performance of his or her duties; and

WHEREAS, it is advantageous to establish a procedure within the urban county government for response to requests from the office of the citizens' advocate, in order to maximize efficiency and speed the resolution of grievances, and to prevent disruption of governmental service; and

WHEREAS, it is necessary and proper to enumerate and clarify the duties of the citizens' advocate to effect the primary purpose of the office of the citizens' advocate: the remedy of citizens' grievances.

Sec. I. - Investigations.

- (a) As used in this section, the term "complainant" shall mean any person, including an officer or employee of the urban county government, who has lodged a complaint with the citizens' advocate, whether on behalf of himself, herself, or any other person.
- (b) The citizens' advocate shall handle all complaints as promptly and efficiently as possible, by observing the following minimum procedures with respect to the complainant:
 - (1) The citizens' advocate shall solicit information from the complainant as to which department, office, officer or employee of the urban county government he or she feels is responsible for the problem. If it appears to the citizens' advocate that such department, office, officer or employee may in fact be responsible for the problem, the citizens' advocate shall request information from the supervisor in question pursuant to the procedure contained in subsection (c)(1) herein.
 - (2) The citizens' advocate shall make the initial inquiry or commence the necessary research on each complaint no later than the next working day following its receipt, unless the work load of his or her office is such that this is impossible. In the latter case, the citizens' advocate shall begin work on the request as soon as his or her schedule makes it possible to do so.
 - (3) The citizens' advocate shall attend all meetings of urban county government bodies, boards, agencies and commissions, committees thereof, and staff meetings, as may be required to make investigations, disclosures or recommendations concerning citizen complaints.
 - (4) In all cases, the citizens' advocate shall advise the complainant concerning the disposition of the problem as soon as the matter is resolved. In no case shall the citizens' advocate fail to make at least a status report on the matter to the complainant within fifteen (15) days of receipt of his or her complaint. The

citizens' advocate shall continue to make status reports to the complainant at least every fifteen (15) days thereafter, until the matter is resolved.

- (5) In formulating recommended policies pursuant to section II(b)(7), the citizens' advocate shall consult and work with those complainants who have made related complaints. The citizens' advocate shall advise those complainants of any subsequent recommendations he or she shall make to the urban county government.
- (c) The citizens' advocate shall consult with experts in the field of data collection and utilization and develop a flexible, administrative procedure to be followed by all urban county government executive and administrative personnel, for the handling of responses to requests from the office of the citizens' advocate. This administrative procedure shall reflect the following:
 - (1) All requests from the citizens' advocate shall be directed to the supervisor of the department or office out of which the matter arises or his or her designee. Supervisor shall mean the mayor, in the case of the office of the mayor; the chief administrative officer, in the case of the office of administrative services; department commissioners, in the case of urban county government departments; and the highest ranking official or employee, in the case of any other government office or agency.
 - (2) In the absence of prior authority to do so by their supervisor, employees of the urban county government shall not, during working hours, deviate from their normal routine to respond to requests from the office of the citizens' advocate. However, it shall be the responsibility of each supervisor to make full and adequate provision for responding to all requests of the citizens' advocate.
 - (3) The procedure shall permit executive and administrative personnel in the urban county government a reasonable time to investigate and respond to complaints of a grievance nature.
 - (4) The citizens' advocate should attempt to resolve citizens' complaints of a grievance nature by exhaustion of the administrative procedure established herein prior to public disclosure of abuses or irregularities on the part of the urban county government, its officers, agents or employees.
 - (5) This procedure may be modified or altered on a case-by-case basis by the urban county council to ensure the reasonable resolution of citizen complaints of a grievance nature.
- (d) The citizens' advocate shall not:
 - (1) Have the power, for or on behalf of his or her office, to initiate lawsuits against the urban county government.
 - (2) Spend funds for legal services to represent citizens or the office of the citizens' advocate unless specifically authorized to do so by the urban county council.
 - (3) Represent any citizen, including officers or employees of the urban county government, in any type of legal or administrative proceedings. He may, as in the case of any other citizen, investigate a complaint by an urban county government officer or employee.
- (e) The jurisdiction of the office of the citizens' advocate in investigating complaints is limited to complaints by citizens of Fayette County and complaints concerning the actions of the urban county government, its officers, agents or employees.

Sec. II. - Disclosures and recommendations.

- (a) The citizens' advocate shall prepare and present to urban county council written reports on a quarterly basis. The quarterly report shall be delivered to the office of the urban county council no later than fifteen (15) days after the end of each quarter. It shall contain the following information for the immediately preceding reporting period:
 - (1) The total number of citizen contacts received by the office of the citizens' advocate.

- (2) The number of citizen contacts broken down into: requests for information; requests for assistance; complaints expressing a grievance against the urban county government, its officers, agents or employees; and inquiries not within the scope of the office of the citizens' advocate which are referred outside the urban county government.
 - (3) The total number of citizen complaints expressing a grievance against the urban county government, its officers, agents or employees which have not been resolved and are in a "pending" status.
 - (4) A summary of all citizen contacts which were not fully satisfied within fifteen (15) working days of receipt including both those which have been satisfied and those which have not been satisfied by the date of the report. For those which are satisfied by that time, the report should include a brief statement as to the nature of the solution. For those which are not satisfied by that time, the report should include a recommendation to the urban county council for the disposition of such complaints.
 - (5) Identification of trends in citizen contacts in each category noted in subsection (2) above.
 - (6) Disclosure of any abuses or irregularities on the part of the urban county government, its officers, agents or employees.
 - (7) Recommended substantive or procedural policies as may be required to reduce or eliminate problems of citizen access to departments, divisions, agencies and officers of the urban county government. The report should also discuss any general questions the citizens' advocate has concerning the responsibilities of each.
- (b) The citizens' advocate shall prepare and present to the urban county council in work session an annual written report. The annual report shall be delivered to the office of the urban county council no later than January 31, following the end of the year for which the report is given. It shall contain a summary of trends and profiles in community needs and problems as evidenced by the data collected by the office of the citizens' advocate through the year.
 - (c) The citizens' advocate shall develop adequate data gathering processes, including standardized reporting forms, so that his or her office will be able to present the data it has collected in a manner that will enable the urban county council to recognize trends and profiles of community needs and problems. He or she shall furthermore consult with the substantive or procedural policies which may reduce or eliminate the problems of citizen access to the departments, divisions, agencies, officers and employees of the urban county government.
 - (d) The citizens' advocate shall inform the urban county council of any problems encountered in investigating any complaints of abuse or irregularity on the part of the urban county governments, its officers, agents or employees.

Section 44 – That APPENDIX B. - GUIDELINES FOR USE OF THE LAW DEPARTMENT PERSONNEL BY MEMBERS OF THE URBAN COUNTY COUNCIL be and hereby is amended to read as follows:

PART 2 . - GUIDELINES FOR USE OF THE LAW DEPARTMENT PERSONNEL BY MEMBERS OF THE URBAN COUNTY COUNCIL

- I. The Managing Attorneys, under administrative direction of the Commissioner of Law are responsible for the Department of Law's preparation of ordinances, resolutions and legal advice. In the performance of these functions, the Managing Attorneys shall serve as liaison between the Council and the Department of Law.
- II. All requests for ordinances, resolutions and legal advice shall be made in writing to the Commissioner of Law . However, in the following circumstances only, such requests may be made orally:

- (a) Simple or routine matters that can be readily handled off-hand, such as photocopying of documents, location of a particular statute, etc.;
- (b) Emergencies; or
- (c) When time requirements make it impracticable, such as during a Council Meeting, etc.

When oral requests are made, they should, if possible, be directed to the Commissioner of Law or Managing Attorneys. In their absence, requests should be made to the senior staff attorney present at the time the matter arises.

III. Every written request should contain the following information:

- (a) Whether an ordinance, resolution and/or legal advice is sought;
- (b) The factual situation, if any, which has given rise to the request;
- (c) Whether the attorney assigned to work on the request should contact the councilmember before beginning work; and
- (d) The deadline for completing the project.

IV. In the event of delays or questions concerning projects underway in the department of law, councilmembers should consult either the Commissioner of Law or Managing Attorneys.

V. All ordinances and resolutions will usually be prepared by the Department of Law upon the written request of any councilmember. All ordinances and resolutions not prepared by the Department of Law shall be timely submitted to said department for review before delivery to the council clerk for first reading.

VII. The Managing Attorneys on a rotational basis, shall be present at all official meetings of the Council. In the case of work sessions or committee or subcommittee meetings, an attorney will be present if either (a) his or her attendance is requested or (b) a project on which he or she has worked is scheduled for discussion.

(Res. No. 113-2000, § 2, 3-9-00)

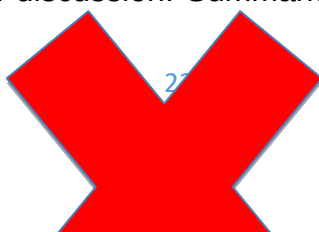
Section 45 – That APPENDIX C. - ADMINISTRATIVE REQUEST (ADMINISTRATIVE REVIEW FORM 43-12) be and hereby is amended to read as follows:

PART 3. LEGISLATIVE PROCESS AND INFORMATION FLOW

(a) There are several ways legislative items make it through the Urban County Council's approval process. Legislative items are all processed at Work Session but each have their own work flow to come before the Council at Work Session.

(1) Administrative Work Flow (Figure 1.): Administrative requests are files that come from the administration. Files originating from various divisions are processed through a review and approval sequence using a legislative management software. The sequence includes division directors and/or commissioners, the chief administrative officer, certain divisions (to review content), and the council administrator. The office of the mayor (or appointee) prepares a list of items for consideration at the work session. The council administrator prepares the work session agenda and packet for distribution.

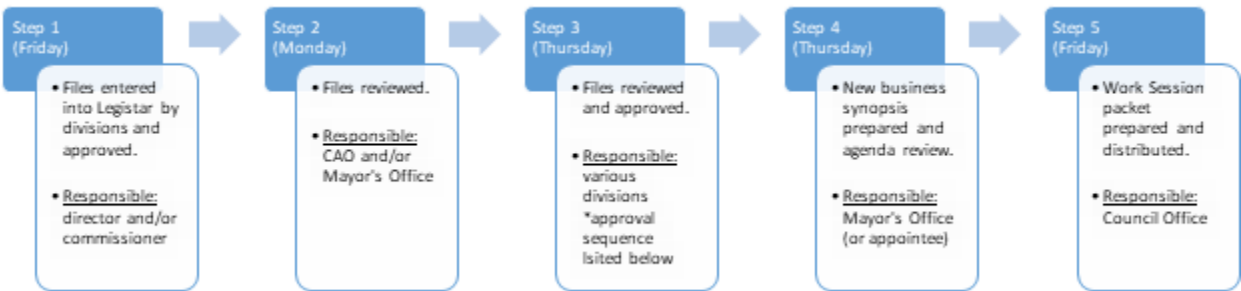
(2) Council Work Flow (Figure 2.): Council standing committee items are legislative items the council has discussed in one of their standing committees. These items are referred to committee as outlined in Sec. 2.204 by the Vice Mayor or council members for review and discussion. Summaries of the committee meetings are



provided by the committee chair at work session, during which any motions (action items) from the committee are brought before the full council for consideration and potentially placed on a docket.

- (3) Required Business of Government Work Flow (Figure 3.): These legislative items, including items previously referred to the docket by the council, zoning amendments, acceptance or rejection of bids, communications from the mayor (for information only), and personnel matters are files that come from the administration as routine business of government. They are processed using a legislative management software, but each file type has its own approval sequence. Files of this nature are directed to the work copy docket. The council clerk prepares the work copy docket with the approved files and distributes it. The council reviews and approves the work copy docket at work session.
- (b) The legislative work flows outlined above come before the council for review at work session through various parts of the agenda. All items approved at work session are moved to the following council meeting docket, where they receive two (2) separate readings for final approval. (Figure 4.)
- (c) It should be noted that there are exceptions to these work flows, specifically for emergency items needing approval on a short deadline. A councilmember may move to walk these items on at a work session or council meeting for approval.
- (d) The following outlines are subject to change based on the adopted council calendar, particularly around holidays and longer breaks of meetings in the calendar.

Figure 1. Administrative Work Flow



* Step 3. Approval sequence includes approval from the following divisions: Grants & Special Programs, Human Resources, Purchasing, Budgeting, Law, Council Administrator

Figure 2. Council Work Flow

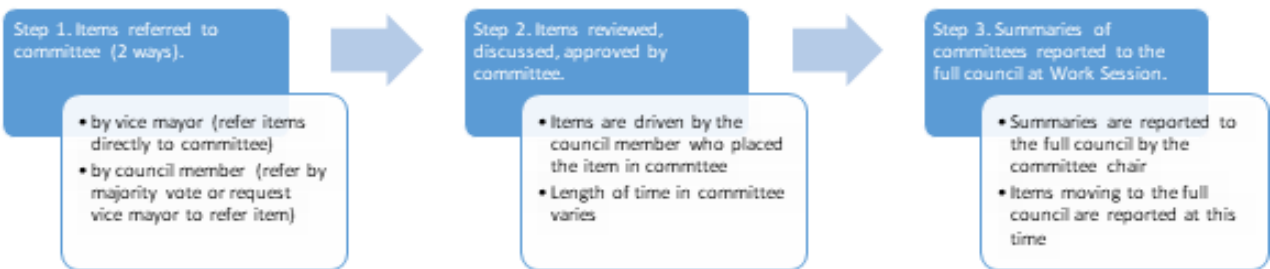
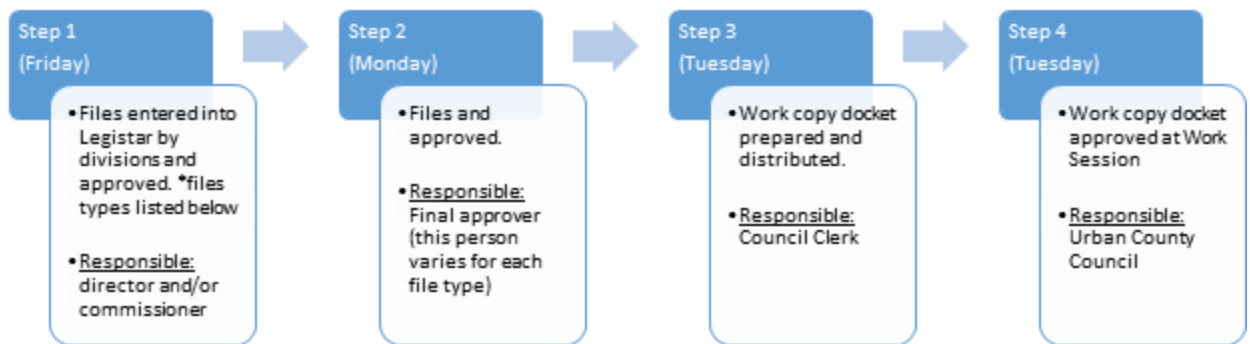


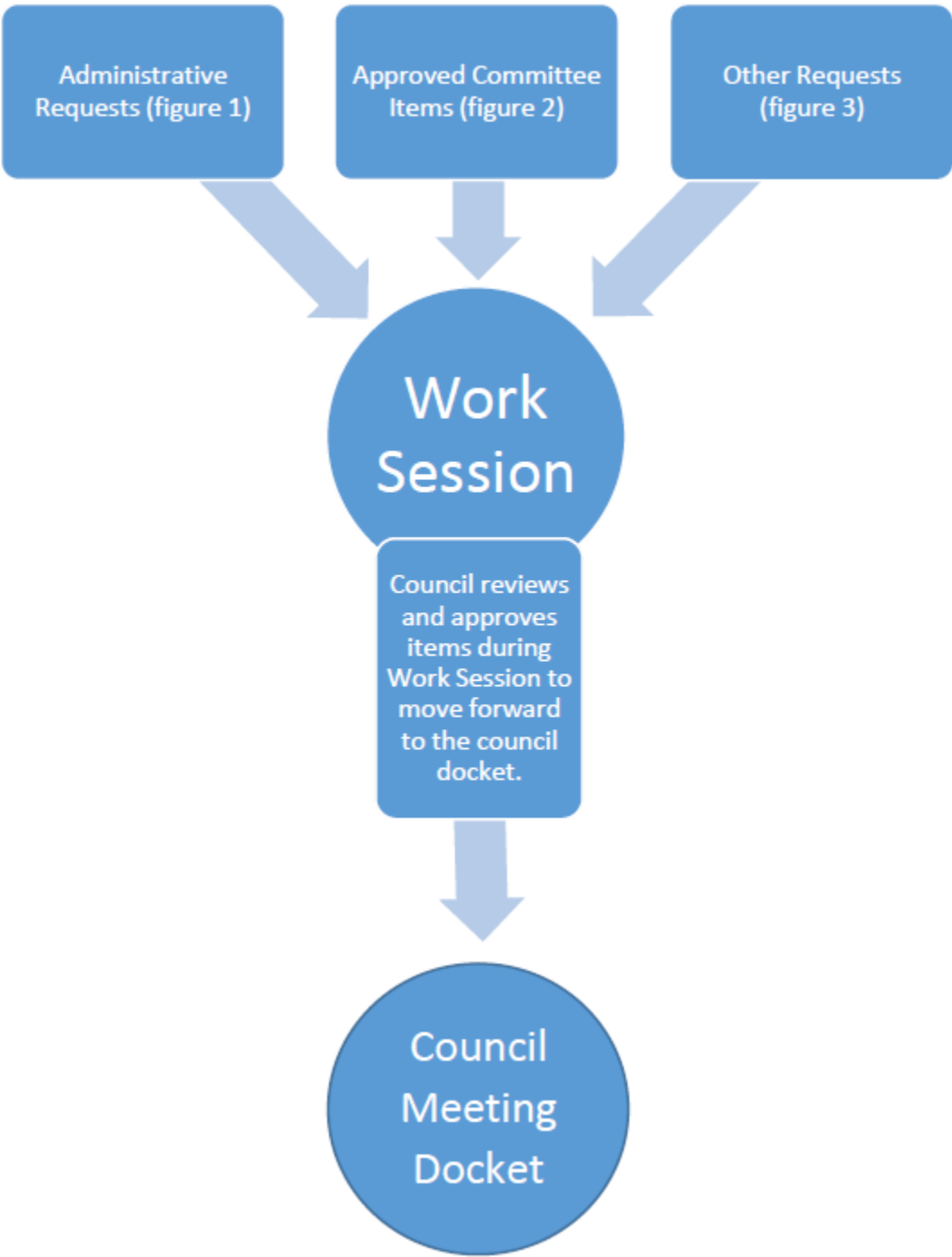
Figure 3. Required Business of Government Work Flow



*Step 1. File types include: items previously referred to the docket by the council, zoning amendments, acceptance or rejection of bids, communications from the mayor (for information only), and personnel matters.

Figure 4. Overall Work Flow, For All Legislative Items

Figure 4. Overall Work Flow, For All Legislative Items



Section 46 – That APPENDIX D. - COUNCIL INFORMATION FLOW be and hereby is amended to read as follows:

PART 4 . - GUIDELINES FOR USE OF THE GOVERNMENT ACCESS CABLE CHANNEL, WEB STREAM, AND ONLINE VIDEO ARCHIVES

- (a) The government access channel, web stream, and LFUCG internet video archives (all hereinafter referred to as “Lex TV Services”) are available to all divisions of the Urban County Government and its satellite agencies. The priorities for programming will be first with the divisions of the Urban County Government followed by the satellite agencies and constitutional offices of Fayette County. Accommodations for programming and approval for services will be made by the Video Production Supervisor.
- (b) Meetings of the Council held in the Council Chamber will be televised and web streamed simultaneously unless otherwise requested by the Vice Mayor or his or her designee.
- (c) All televised/web streamed Urban County Government meetings will be broadcast in an impartial manner. All meetings will be covered in their entirety.
- (d) Each Councilmember will be allotted one program of up to fifteen minutes in length per month, disseminated on all Lex TV services. Multiple programs may be produced during a one-month period, but only one may be disseminated via Lex TV services during a thirty-day period. The thirty-day period begins when a new program is first disseminated via any Lex TV service. Any public rebuttal will be directed to the public access channel during the comment portion of a Council meeting.
- (e) Each Councilmember will be allotted one program per calendar year. A special program is defined as a live one-time program and is limited to a maximum of five hours of set up and production time. Special programs may be at a remote location outside the Government Center. In order for a program to be televised and web streamed live, it must take place in a location with existing infrastructure allowing for a live telecast. Request for special programs will require a minimum of a thirty-day notice to the Video Production Supervisor and will be honored based on availability of staff and equipment. If the special program takes place outside of normal business hours, program production availability may be subject to available overtime funds and availability of staff. The program may run periodically for up to 90 days within a 12 month period.
- (f) Councilmembers involved in a primary election or general election are prohibited 30 days prior to the election from appearing on the Lex TV services in any way other than the participation in meetings of the Council and Urban County Government news conferences. All existing videos on any online video archive services will remain public.
- (g) Constitutional officers of Fayette County will be afforded time on the Lex TV services to fulfill their official duties. Requests for time on the Lex TV services will be honored at the approval of the Video Production Supervisor and determined by the workload of the staff and availability of equipment. The administrative and legislative branches of the Urban County Government will have priority in the use of the Lex TV services. Elected constitutional officers are restricted from using the Lex TV services for a period of thirty days prior to any primary election or general election with the exception of LFUCG emergency news conferences. All existing videos on any online video archive services will remain public.

- (h) The Mayor of the Urban County Government will be granted time on the Lex TV services as necessary to fulfill the duties of his or her office. Appearances on the Lex TV services other than in Urban County Government meetings or news conferences will be restricted for a period of thirty days prior to a primary election or general election. All existing videos on any online video archive services will remain public.
- (i) These guidelines are subject to review and changes by request of the Chief Administrative Officer and approval by the Urban County Council.

(Res. No. 553-85, § 1, 12-19-85)

Section 47 – That APPENDIX E. - GUIDELINES FOR USE OF THE GOVERNMENT ACCESS CABLE CHANNEL be and hereby is amended to read as follows:

PART 5 - GUIDELINES AND PROCESS FOR NEIGHBORHOOD DEVELOPMENT FUNDS (NDF)

I. General

- (a) The Urban County Council may allocate Neighborhood Development Funds (NDF), on recommendation of any member, to incorporated non-profit organizations for any lawful public purpose in the best interest of and for the use and benefit of the community.
- (b) The following entities are eligible to receive NDF allocations if they are incorporated non-profit organizations, in good standing with the Secretary of State:
 - (1) Neighborhood Associations;
 - (2) Parent-Teacher Organizations;
 - (3) Public Purpose Civic Organizations;
 - (4) Urban County Government Operating Divisions for Special Projects; and
 - (5) Other Incorporated Non-Profit Public Purpose Groups.
- (c) The following entities are not eligible to receive direct NDF allocations:
 - (1) Fayette County School System;
 - (2) Established Religious Organizations (general “public purpose” uses may be considered); and
 - (3) Any For-Profit Organization.
- (d) No councilmember shall make an NDF contribution, or vote on resolutions related to NDF allocations, within 30 days prior to any election in which they are on the ballot.
- (e) In an election year, any councilmember leaving office, or facing opposition may only utilize 50% of their overall budget, including NDF funds. The remaining 50% will be replenished after the election for use by the successful candidate.

II. Procedure

- (a) Councilmember(s) receive(s) a request from an organization.
- (b) Councilmember gives the request to his or her legislative aide who then confirms the organization’s correct address and contact information and prepares a memo containing the organization’s specific request for the NDF Coordinator. The memo should include the amount of funds as well as the intended use of funds. Documentation from the organization making the request and the Secretary of State (or a letter confirming Federal tax-exempt status) should be attached.
- (c) A councilmember may choose to donate NDF funds as a single allocation directly from his or her NDF balance, or solicit the entire Council for donations via a group request also known as a “Pass Around.” If the NDF allocation is from a

single councilmember, it should be prepared as such, and given directly to the NDF Coordinator. If the request is for multiple councilmember allocations, (pass-around) it should be prepared as such and given to the Council Administrator who will submit it to the entire Council at the next scheduled work session. The completed NDF “pass-around” document is passed to the NDF Coordinator, who prepares a consolidated list of all NDF requests. The deadline to have all completed NDF documentation on the list is 5:00 pm the Wednesday prior to the work session.

- (d) The Council will vote during a work session to approve the NDF list and refer it to the docket. The NDF Coordinator will process check requests after second reading (or process a budget amendment in the event that the recipient is a division of the LFUCG).
- (e) The Division of Accounting notifies the NDF Coordinator when the checks are ready for pick-up. The NDF Coordinator prepares a legal agreement to accompany the NDF check, which is then mailed to the organization’s designated recipient, along with a memorandum outlining the next steps. A copy of the fully executed agreement is kept in the Council Clerk’s office and a copy is returned to the organization for their records.
- (f) The entire NDF process takes approximately 4-6 weeks and is tracked by the NDF Coordinator. The expense is reflected in individual councilmembers’ cost centers under NDF account number 71214. The Council Budget Analyst, or the council staff member responsible for performing budgetary analysis, sends a monthly cost center report to the councilmember and his or her legislative aide. These reports may be pulled at any time during the month by the legislative aide in PeopleSoft Financials. The legislative aide is responsible for monitoring the cost center report for accuracy, balance tracking and communicating status to their councilmember. Due to processing time, an NDF expense may not show up in the PeopleSoft reports right away. It is recommended that legislative aides check with the NDF Coordinator for questions regarding current balances.
- (g) Once the organization receives the NDF check, a representative of the organization is required to return signed copies of the agreement to the Council Clerk’s Office. The Council Clerk obtains a signature from the Mayor and places the LFUCG seal on all copies. The Council Clerk then retains a copy for his or her file and routes the additional copy to the NDF Coordinator to be sent to the organization.

Section 48 – That PART 6. – SOCIAL MEDIA BEST PRACTICES be and hereby is created:

(a) Definitions

- (1) *Social Media* – Media designed to be disseminated through social interaction and consisting of user-generated content using highly accessible and scalable publishing technologies including, but not limited to Facebook, Twitter, YouTube, LinkedIn, blogs, wikis, photo-sharing networks, online communities, podcasts, user-generated videos, message boards, RSS feeds, and similar technologies.
- (2) *LFUCG Social Media Representative* – LFUCG employee or official who has been afforded username and password access to an LFUCG social media site and who contributes content in the name of or on behalf of LFUCG and/or any LFUCG department, division, official, or employee, following the guidelines below.

(b) Best Practices

- (1) Terms of Service: Terms of Service (TOS) clauses vary across social media platforms; as such, divisions and organizations should carefully read the TOS of each social media tool before establishing an account.

- (2) Branding: LFUCG social media accounts shall be clearly branded as an official government presence and shall link back to the appropriate lexingtonky.gov website.
- (3) Disclaimers: All LFUCG social media accounts shall link to the city's Customer Use Policy when possible.
- (4) Content/Frequency: Content posted by an LFUCG social media account should be considered official government communications.
- (5) Prohibited Content: Social media accounts created on behalf of the LFUCG shall not contain any of the following:
 - a. All campaign materials
 - b. Promotion or endorsement of services and products
 - c. Items regarding litigation or pending litigation
 - d. Content that violates any local, state or federal laws and/or is otherwise unlawful
 - e. Information that could compromise public safety or an ongoing investigation
 - f. Obscene, indecent or profane language
 - g. Threats, personal attacks or defamatory statements
 - h. Nonpublic information of any kind
 - i. Personal information that would violate the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule
 - j. Personal, sensitive or confidential information of any kind
 - k. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, sexual orientation, status with regard to public assistance, national origin, physical or mental disability
 - l. Fraudulent, deceptive or misleading information
 - m. Comments advocating illegal activity or posting of material that violates copyrights or trademarks of others
- (6) Moderating Customer Input: By definition, social media accounts encourage the exchange of ideas and information, allowing users to ask questions and voice their opinions. Some of those comments may be negative or unsavory. Social media representatives should check their accounts daily for feedback and, if necessary, respond as quickly (within 24 hours) as possible.
- (7) Removing Comments: Generally, only comments that violate the LFUCG Customer Use Policy may be hidden from an account:
 - a. Obscene, indecent or profane language
 - b. Threats, personal attacks or defamatory statements
 - c. Hate speech directed at race, color, gender, sexual orientation, national origin, ethnicity, age, religion or disability
 - d. Fraudulent, deceptive or misleading information
 - e. Comments not related to the posted topic for the LFUCG social media page or post
 - f. Multiple, successive off-topic posts by a single user or repetitive posts copied and pasted by multiple users, or spam

- g. Promotion or endorsement of services and products
- h. Comments advocating illegal activity or posting of material that violates copyrights or trademarks of others
- i. Content that violates any local, state or federal laws and/or is otherwise unlawful
- j. Campaign materials promoting or opposing an individual in an election for political office

(8) Before hiding a comment, the social media representative shall document the post with a screen capture.

(9) Open Records: LFUCG social media accounts are subject to the Kentucky Open Records Act. Any content maintained in a social media format that is related to LFUCG business, including a list of subscribers and posted communications, is a public record. Wherever possible, such sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure under the Kentucky Open Records Act.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

X:\Cases\CO\17-CC0999\LEG\00628859.DOC