

RESOLUTION NO. _____-2012

A RESOLUTION AMENDING SECTION 4.506 OF THE COUNCIL RULES, RELATED TO CONFIRMATION OF APPOINTMENTS, TO DELETE REFERENCE TO TERMS OF OFFICE THAT COMMENCED PRIOR TO JULY 1, 1990, AND TO REQUIRE THAT A CONFIRMATION HEARING BE HELD PRIOR TO CONFIRMING APPOINTMENTS TO THE PLANNING COMMISSION, THE BOARD OF ADJUSTMENT OR THE ETHICS COMMISSION.

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

WHEREAS, Section 7.02 of the Lexington-Fayette Urban County Government Charter provides generally that appointments to all boards, agencies and commissions are subject to confirmation by the Urban County Council; and,

WHEREAS, the Urban County Council desires to require that a confirmation hearing be held by the Council prior to confirming any appointment to the Planning Commission, the Board of Adjustment or the Ethics Commission; and,

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

WHEREAS, notice of the aforementioned changes was given to all Councilmembers at Council work session on November 27, 2012.

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

Section 1 – That Section 4.506 of the Council Rules be, and hereby is, amended to read as follows:

- (1) All appointees to the boards, agencies and commissions covered by the provisions of article 7 of the Charter who have served two (2) consecutive full terms shall not be eligible to succeed themselves until the lapse of twelve (12) months from the end of said terms. However, such limitations shall not apply to the following:
 - (a) Appointees serving initial staggered terms that are shorter in length than a full term.
 - (b) Appointees serving a portion of a term after being appointed to fill a vacancy.
 - (c) Ex officio members.

- (d) Members of bodies created solely by administrative action of the mayor.
 - (e) Members of agencies whose appointments do not require council confirmation such as, but not limited to, the library board of trustees.
 - (f) The membership of boards, agencies and commissions which cannot as a matter of law be limited as to the number of terms served.
 - (g) Members of the planning commission and board of adjustment; provided however, that said members shall be eligible to serve three (3) consecutive full four-year terms after which said members shall not be eligible to succeed themselves until the lapse of twelve (12) months from the end of said terms.
- (2) Because the Planning Commission, the Board of Adjustment and the Ethics Commission are subject to the Ethics Act, no member appointed to one of these agencies shall be confirmed until a confirmation hearing has been conducted by the Urban County Council.

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

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL