



General Government & Social Services Committee

July 7, 2015

Summary and Motions

Chair Lamb called the meeting to order at 1:06 p.m. All Committee Members were present: Akers, Bledsoe, F. Brown, Evans, Gibbs, Henson, Moloney, Scutchfield, and J. Brown were in attendance. Council Member Stinnett was also in attendance.

I. Approval of Committee Summary

A motion was made by Henson to approve the May 5th, 2015 General Government & Social Services Committee Meeting summary, seconded by Evans. The motion passed without dissent.

II. Workforce Investment & Training Update

Henson introduced the Workforce Investment & Training Update presentation. Kevin Atkins, Chief Development Officer, presented the update to Council.

Atkins reviewed the history of Council actions related to this item, and presented the issues that were identified in the State Auditor's report. Several Kentucky Workforce Board policies were reviewed, which helped shape the new Interlocal Cooperative Agreement.

Atkins reviewed the components of the new Interlocal Cooperative Agreement proposal, which designates the Mayor of Lexington as permanent Co-Chief Local Elected Official along with a Judge/Executive elected at large; requires that designation of a fiscal agent, grant subrecipient and one-stop operator be done in accordance with federal law and state policies; provides for a dispute resolution process; shares liability for workforce funds; and clarifies the nomination process and respective roles of local workforce board members.

Atkins presented the required elements of the Partnership Agreement, which will be developed subsequent to the adoption of the new Interlocal Cooperative Agreement

Moloney inquired how many individuals would be on the Board in total, to which Atkins replied there will be approximately 19. Moloney stated his concerns related to the amount of funding that Fayette County receives. Atkins replied that there will be a new Workforce Board and that every county is no longer guaranteed a seat on the Board. Moloney inquired if Fayette could have a larger number of seats on the board, due to the number of jobs in Fayette County, which Atkins confirmed.

Henson asked how future changes to policies would be addressed. Atkins stated that changes would first have to be approved by the State Workforce Board with the involvement of the Governor. Keith Horn, from Law, stated this is a good example of why Lexington should monitor changes to State law, but noted that he doesn't have any reason to believe that the State would want to change the policy as it relates to the procurement process.

Henson further inquired if the Mayor will have time to serve on the board. Atkins stated the Mayor has already committed to serving on the board. Henson stated that outcomes and accountability are important, and inquired if Council will receive this information. Atkins stated that success will be tracked and reported. Henson stated she would like for Council to receive updates on the number of people served, how they were served, and measures of their success.

Stinnett inquired how much funding Fayette has received in the past, to which Atkins replied the contract ran for 2 years and the region received approximately \$11M. In response to a question from Stinnett, Atkins stated that there is no guarantee regarding the percentage of funding that will be allocated to Fayette County. Stinnett inquired who selects the training providers, to which Atkins replied that the board chooses the training providers. Stinnett inquired if this will remain the case going forward. Atkins stated the State maintains a list of qualified trainers from which the providers will be chosen. Stinnett inquired how the Workforce & Investment Training Board's work relates to the work of Commerce Lexington and others going forward. Atkins stated that recent progress has been positive, but additional coordination will need to continue to occur with the Business Education Network and Commerce Lexington. Stinnett stated that in 2007 workforce training efforts relied solely on allocated funding and stated Lexington can only move forward with a holistic approach to addressing workforce training needs.

F. Brown inquired about the structure of the Bluegrass Area Development District ("BGADD") as it relates to the Board. Atkins stated the region is the same and mirrors the BGADD region, but clarified that the Workforce Board is separate from the BGADD, although the geographic area and many of the players are the same. Atkins stated that the BGADD's involvement in the procurement process would be competitive.

Lamb stated she would like Council to receive the Partnership Agreement when it is created, and inquired if there is opportunity for Fayette County citizens to be involved on the Workforce Board. Atkins stated for the private sector members, names will be submitted and selected based on qualifications and specific membership qualifications. Lamb inquired if there had ever been a member of Council on the Board. Atkins stated there has not been a Council Member on the board that he is aware of.

A motion was made by Gibbs to approve a Resolution authorizing and directing the Mayor, on behalf of the Urban County Government, to execute an Interlocal Cooperative Agreement for the continued operation of and participation in the Bluegrass Workforce Investment Board, seconded by Henson. The motion passed without dissent.

A motion was made by F. Brown to allow the Committee Chair to report this item out during the July 7th Work Session meeting, seconded by Akers. The motion passed without dissent.

III. Ord. 271-2009 – Oath of Office for Boards, Agencies & Commissions

Meredith Nelson, Council Clerk, gave a presentation of the Oath of Office for Boards, Agencies & Commissions. She stated that there are approximately 71 boards, agencies and commissions of the LFUCG. Ordinance 271-2009 directs all appointees to take an oath of office before taking office. Nelson stated that 637 current appointees, and 170 outstanding forms. The proposed amendment to the ordinance will require an oath by affidavit form, which must be completed and returned within 60 days of Council confirmation, and the language requiring Council Clerk administration of the oath is stricken. The notarization requirement is also proposed for amendment to allow for witness in lieu of notarization.

Scutchfield inquired about amendments to the ordinance made in 2009. Nelson stated it was a new ordinance at that time.

Evans inquired if the extended time would address the issue. Evans further inquired if each individual board, agency or commission could administer the oath of office. Nelson stated they worked with many staff responsible for boards, agencies and commissions and noted that board staffers themselves were concerned about attendance at board meetings. Nelson stated that ordinance currently states that the Council Clerk is responsible for administering the oath. Nelson stated that a 60 day period would allow time for a reminder to be sent.

F. Brown inquired how many boards LFUCG appoints. Nelson stated there are 71. F. Brown inquired if the Ordinance was created because of legal issues. Glenda George stated that the ordinance was drafted for accountability purposes, rather than legal concerns. He requested a list of subject boards, as well as information related to which boards must comply with the Ethics Act.

Lamb stated that the Committee needs to decide if they would like to move the proposed amendments forward, or if the Ordinance remains necessary.

Henson stated the Mayor's Office monitors the various boards. Henson echoed Lamb's previous question regarding the necessity of the Ordinance.

Scutchfield stated the need for a quarterly report to Council of board vacancies, as well as meeting frequency.

Lamb stated she felt it would be appropriate to continue this discussion during the Committee's September 1, 2015 meeting. Scutchfield stated she feels it would be good accounting to further review this issue. Lamb requested input regarding the Committee's preference.

Moloney stated that Council received a report in the past regarding board vacancies. Moloney further stated he would like to hear from the Administration how to reinstitute this process.

Henson stated that the proposed amendments to the ordinance are not directly related to receiving a quarterly report. Henson further stated she would like to see this issue remain in committee.

Lamb noted her concerns about enforceability of the ordinance. George stated that the current ordinance language does not allow an appointee to take office until the oath is completed. Lamb inquired if there is tracking to see who has not completed the oath of office paperwork. Nelson stated she maintains this information in a spreadsheet.

Bledsoe inquired if the oath of office paperwork has not been completed they cannot be counted as part of the quorum and they should not have a vote, which George affirmed. Bledsoe stated these are important points, noting this could nullify the meeting taking place.

Akers inquired if there was a way to signify, perhaps on the website, if a member has not completed this important step. Nelson stated this is a process question she would have to discuss with the Mayor's office. Akers stated she would also like to see regular reporting of board vacancies.

A motion was made by Akers to move the ordinance to the full Council, seconded by Henson. The motion was withdrawn.

Scutchfield inquired if the proposed ordinance was necessary and stated her preference to delay a decision until they have examined the issue more fully.

F. Brown stated he has no issue with the recommendations, but additional discussion is necessary.

A motion was made by F. Brown to table the proposed ordinance until the September 1, 2015 General Government and Social Services Committee meeting. The motion failed for lack of a second.

Akers inquired Council can simply appoint these positions without an oath of office requirement. Keith Horn stated that there are boards which require an oath of office by

Statute and noted the proposed ordinance is not needed for boards and commissions who are mandated to take this oath. Horn stated board and commission members would still receive open record and other trainings if the ordinance were repealed.

Moloney requested information regarding the process to repeal Ordinance 271-2009. Horn advised Council would need to pass an ordinance repealing Ordinance 271-2009, and the committee could make that recommendation.

A motion was made by Moloney to report out a recommendation to full council to remove the 2009 Ordinance. The motion was withdrawn.

Evans noted her hesitancy to repeal the ordinance, noting the shortage of training for some board members. Evans noted she would like to have further discussion that acknowledges the need for training.

Scutchfield stated she feels there needs to be more discussion before the committee reaches a decision.

Lamb requested that the Administration provide additional information at the September 1st meeting.

Moloney stated his desire to remove the 2009 ordinance so that Council can begin to examine the inefficiencies of the oath of office process.

A motion was made by Gibbs to postpone the item until the September 1st, 2015 General Government and Social Services Committee meeting, seconded by Bledsoe. The motion passed without dissent.

IV. Cell Towers – Location Approval & Revenue

Roger Daman, Department of General Services, introduced the Cell Towers Location Approval and Revenue presentation.

Barbara Rackers, from Planning, presented the key provisions of KRS, which provides for a statewide uniform application process, and a 60 day timeline for local government action through the Planning Commission. She discussed the difference in approval processes for requests to locate towers on public and private property, and presented location criteria and design standards for cell towers.

Daman discussed General Services' role in the cell tower location approval. General Services reviews applications, coordinates review with other departments, and coordinates the lease drafting process.

J. Brown inquired if the process is for applications within Lexington's parks. Daman replied that the application is for cell towers on government property. J. Brown inquired at what point in the process that the public is notified. Daman outlined the process for giving public notice. Rackers stated that the Planning Department cannot approve or disapprove a tower on public property, and that it is best to inform the public of this prior to the public hearing. Keith Horn stated that the Council will have final say over the lease of government property and can address items of concern within that document.

Moloney inquired if the city is required to approve cell towers on government property. Horn stated that, per the Federal Telecommunications Act, a cell tower cannot be disapproved if disapproval would result in a denial of service; however, Council is not required to approve the location of cell towers on public property. Moloney inquired if a zone change is required to place a tower on a building. Rackers stated that an antenna on a building would not have to go through the uniform application process, but a full tower it would be required to go through the full approval process. In response to a question from Moloney, Daman stated that denial of a tower on public property typically results in the company identifying private properties for location.

Bledsoe asked for an update regarding a current appeal of cell tower being located on private property on Southland Drive. Keith Horn stated he did not have an update on this case, but will provide this information.

Lamb requested an example of conditional approval, to which Rackers responded, noting there generally are not that many conditions placed on approvals unless a significant issue exists that requires mitigation. Lamb inquired if it would be beneficial to draft a CAO policy to address the cell tower approval process. Geoff Reed, Commissioner of General Services, stated that towers should not be approved without significant study and consultation, and spoke in favor of a CAO policy.

V. Items in Committee

A motion was made by Gibbs to remove Workforce Investment & Training from Committee, seconded by Evans. The motion passed without dissent.

A motion was made by Evans to remove Cell Towers, Location, Approval & Revenue from Committee, seconded by Scutchfield. The motion passed without dissent.

A motion was made by Scutchfield to adjourn, seconded by Evans. The motion passed without dissent.

The meeting was adjourned at 2:50 p.m.

DS 8-4-2015