

James
Crosbie
Myers
Gray
Blues
Beard
Henson
Feigel
Lawless
Martin

SPECIAL INTER-GOVERNMENTAL COMMITTEE

December 1, 2009
9:00 A.M.

A G E N D A

1. Council Standing Committees & Streamlining Council Role - James (1-33)
2. Update on Committee Items (34-35)

"Inter-Governmental Committee, to which should be referred matters relating to wages and classification, personnel, government organization, employee relations, government buildings and property maintenance."

Council Rules & Procedures, Section 2.102(2)



Jim Gray
Vice Mayor

Linda Gorton
At-Large Member

Chuck Ellinger
At-Large Member

Andrea James
1st District

Tom Blues
2nd District

Diane Lawless
3rd District

Julian Beard
4th District

Cheryl Feigel
5th District

Kevin Stinnett
6th District

K. C. Croshie
7th District

George Myers
8th District

Jay McChord
9th District

Doug Martin
10th District

Peggy Henson
11th District

Ed Lane
12th District

TO: Members of the Intergovernmental Committee
Lexington-Fayette Urban County Government

FROM: Andrea James, 1st District Council
Chair of the Standing Committee Sub-Committee

DATE: November 12, 2009

RE: Committee Restructuring Plan

In preparation for the discussion related to Committee Restructuring and Work Session evaluation which will occur at the November 17, 2009 Intergovernmental Committee, I have prepared a summary of the work of the Standing Committee Restructuring Sub-Committee.

The sub-committee was formed to evaluate the effectiveness and efficiency of the existing standing committee process. The membership of the sub-committee was comprised of the Chairs of each of the Standing Committees at that time and CM Myers. Each member helped to give focus by offering their observation of the flaws with the existing structure. Some of the observations made were as follows;

1. Standing Committees were seen as "certain death" for issues and, thus, were not being utilized efficiently.
2. The committee process "takes too long".
3. Determination of items in committee is haphazard.
4. It was difficult to determine the status of items in committee.

The sub-committee next needed to address whether or not the standing committee structure could even be changed. We determined that the standing committee structure was a Council Rule and not acknowledged by Charter. The Charter only addressed the Council Meeting as the mandated legal meeting of our legislative body. It was at that time when the sub-committee decided that restructuring of the standing committees could occur by changing our council rules. (Charter reference included in this packet.)

The sub-committee then called in KLC, upon recommendation of the Vice Mayor, for a research partner. Joe Ewalt with Kentucky League of Cities was asked to assist with researching comparable, nearby cities to find out how their legislative process was conducted. Once this data was presented, it was clear that LFUCG was an oddity in the way we conducted our standing committees and our work sessions. It was felt by the subcommittee that if we wanted efficiency, we should re-structure to achieve a different outcome. One important observation of our researcher was that it seemed the standing committees in other cities (at least by their name and purpose) seemed to reflect the priorities of that city. (Comparable cities data is included in this packet.)

The proposal to restructure and the proposal to change the Tuesday Work Session could have come separate to Council, but instead was offered as a coordinated effort to achieve efficiency more quickly. Both processes rely heavily on one another, but could be done as a phased approach. The proposal was voted down in December of 2008.

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Memo to IG committee members

Some various bits of information that may give you a sense of the conversations surrounding the findings...

- Budget and Finance committee member number should not change.
- Social Services and Partner Agencies were recommended to be a separate standing committee because of their importance and inability to be addressed quickly in Planning Committee because of the multitude of issues in the Standing Committee.
- Standing Committee (except B & F) would have 5 members
- Council Workshops held at 3pm on off COW meeting days
- COW would replace Work Session and meet every other week
- COW would serve as the Gateway of information to the Council
- Docket approval and items referred by Councilmembers would occur at COW
- Council would create the agenda for COW and approve any changes by majority vote

During the sub-committee meetings, there was also discussion of a **Consent Agenda** process. Items addressed in standing committees would be assigned a tracking number. If legislation is passed unanimously by the members of COW, it will then move forward to the **consent agenda** (docket for next Council Meeting). Any item not moved forward to consent agenda, could be dealt with individually (meaning...questions asked, placed back into another committee, additional information requested, etc). Once again, it is important to mention the items seen by the COW, would have already been addressed by the appropriate standing committee.

The items mentioned in the above paragraph then led to further discussion about streamlining the administrative blue-sheet process (Memo and proposed resolution by the Department of Law, included) and also it sparked discussion of new system proposal by the Council Clerk. Both of these items could be considered as part of the proposed restructuring, but are not necessary to the new standing committee proposal.

I hope this memo brings some clarity. I will be in attendance at the IG committee meeting and available to answer any questions.

I am appreciative of the opportunity to revisit this much needed restructuring.

Proposed recommendations of the Standing Committee Review Sub-Committee

Standing Committees would be more closely aligned with the departments of government and incorporate the current oversight committees.

The number of CM on each committee would be 5, excepting Budget and Finance which would remain as current Rules and Procedures outlines it.

Two Standing Committees would meet each Tuesday. At this time, the proposed schedule is 11 am and 1 pm.

Standing Committees would generally be held in the 5th Floor Conference Room.

Work Session would be replaced by a COW which is to be scheduled for the Tuesday preceding a Council Meeting.

The COW meeting would be held in the Chambers. A table would be located at the front of Chambers for the Administration and those persons that may need to speak to an item on the docket. The purpose of this is to encourage a discussion-oriented, more fluid meeting.

The COW serves at the "Gateway" for information to the Council much like a Committee on Committees functions in a bi-partisan organization. Presentations could be referred to the appropriate Standing Committee during the COW.

The main focus of the COW is the approval of the docket.

If one CM requests further discussion or action on an item, the item will be separated from the group and discussed further. This will not require a vote.

Council Administrator is responsible for delivering Standing Committee decisions to the appropriate entity for inclusion on the Work Docket.

Walk-on ordinances and resolutions should be presented by a person of Administration to the Council for consideration. A majority/two-thirds vote will allow the walk-on to be considered.

All COW and Standing Committee meetings will be televised.

Rama @ Camerab



Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Logan Askew
Commissioner

TO: Jim Newberry, Mayor
Urban County Councilmembers

FROM: Department of Law

DATE: August 21, 2009

RE: Council Rules Revisions

At our retreat on March 13, 2009, there was considerable discussion about streamlining our meetings by reducing the amount of matters presented to the Council for action. Since that time, Councilmembers Feigel, Lawless and James and I have been working on this issue.

I am attaching a draft Resolution and Ordinance that reflects our recommendations in this connection. The Ordinance removes the ratification by the Council of personnel appointments and the Resolution modifies Section 3.101 of the Council Rules to eliminate, under specific circumstances, Council approval of the following:

1. Appointments. As in all cities, the Council establishes the employment classifications and pay grades for each. Code of Ordinances, Sections 21-5; 21-25; 22-5; 22-22. Of course, the Council also appropriates money for this purpose. Currently, Council ratification of all appointments is required under Ordinance 21-14 (classified) and Ordinance 22-13 (unclassified). Accordingly, the attached amends the Ordinance to eliminate this requirement. Please note that ratification of probationary and permanent appointments is not required by the civil service statutes.

Under our statutory civil service system, virtually every aspect of the hiring process is handled by Human Resources and the Civil Service Commission, which are required to present up to five qualified applicants for employment consideration. The administration, acting through commissioners and directors, selects one of those persons to fill a vacancy. Accordingly, the administration has limited discretion in hiring.

An issue has been raised concerning increases in existing employees' compensation. This provision does not impact the requirement that Council approve any such adjustments. This rule addresses only the initial appointments of employees and specifically excludes reclassifications and any compensation adjustments for existing employees not otherwise provided by Ordinance.

Jim Newberry, Mayor
 Urban County Councilmembers
 August 21, 2009
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2. Acceptance of bids. Our Division of Central Purchasing ["Purchasing"] follows purchasing procedures which Brian Marcum believes were previously adopted by the Council over ten years ago. Susan Lamb has been unable to locate any record of formal adoption. Brian intends to propose revised procedures to the Council for approval.

Under Council Rule 4.104(e), acceptance or rejection of bids bypasses the blue sheet process and is automatically placed on the docket (along with zoning map amendments). Since Purchasing will follow the Council mandated procedure and funds have been appropriated, Council's ratification simply serves as a rubber stamp of the bid selection committee's selection. On all bid review committees, a Councilmember is included.

This change will allow acceptance of bids without delay and, therefore, allow work to start more quickly. The proposal requires Purchasing, through the Mayor's Report, to advise of the same information that Council now receives about bids, i.e. number of bidders, whether lowest bid selected, etc. If you desire additional information, Purchasing could provide it or you may consider having a committee review all approved bids.

3. Grant applications. Under current procedures, Council authorizes the application for a grant as well as the acceptance of a grant. The proposal eliminates the first approval, but not the second. This does not include grant applications that require the passage of a resolution, public hearing, or unbudgeted matching funds.

As you may know, there is often time pressure to submit an application due to imminent deadlines. This proposal will eliminate that pressure, but allow Council to consider whether to accept a grant (including its terms) if it is awarded. The Division of Community Development will include in the Mayor's Report all submitted grant applications.

4. Extension of approved grants. Council now approves any extension of an existing grant even if no additional monies are expended by LFUCG. The proposal will eliminate this requirement for grant extensions that do not require any additional expenditure of funds by LFUCG.

5. Property acquisitions. Previously, the Council approved all easement and property acquisitions for projects where funds were budgeted, e.g. Georgetown Street and Clay's Mill Road. Since each document represented a separate contract with each property owner, Council approved numerous such contracts at a single meeting. Since the March 13, 2009 meeting, we have changed our process and a Resolution is prepared for the entire project. However, in order to expedite this process even further, the proposal authorizes the Mayor to sign these documents and related closing documents provided Council has approved the project and appropriated the money for the acquisition. A separate resolution authorizing Mayor to execute deeds and any other necessary documents will no longer be necessary. Like some of the other actions, these acquisitions will be included in a Mayor's Report. This will greatly streamline the process and allow the work to get done more quickly. You may recall the frustration expressed by Mike Webb at the retreat about the delay in getting street and sidewalk projects finally approved.

Jim Newberry, Mayor
 Urban County Councilmembers
 August 21, 2009
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6. Releases of easements and encroachment agreements. These documents are necessary when the terms have been fulfilled by a third party. There is no need for Council to approve as LFUCG is obligated to release.

7. Contracts for which funds are budgeted. To the extent contracts are presented which do not fall within one of the above categories, the Mayor is authorized to execute the same provided funds are budgeted and the subject amount does not exceed \$50,000. These smaller contracts will still appear in the Mayor's Report.

8. Change orders. Instead of the current procedure requiring approval of all change orders, this proposal requires Council approval only if the change order represents an increase of 10% of the contract or \$25,000, whichever is less. Change orders not requiring Council approval must have budgeted funds and will be listed in the Mayor's Report.

9. Equipment maintenance contracts. These include printer and copier maintenance agreements. Funds are budgeted in each division for this purpose. In those instances, there is no need for Council approval.

10. Professional service contracts. The proposal codifies CAO Policy 1 which requires Council approval of all such contracts which exceed or expected to exceed \$49,999 in any one year. For professional service contracts under this threshold, the current processes for hiring professionals will be utilized and funds must be budgeted for this purpose.

11. Donations. The proposal eliminates Council approval of all donations which do not require a budget amendment. In discussing this matter with Bill O'Mara and Mary Fister, we are able to budget anticipated donations for divisions that typically receive donations, such as the Family Care Center. These divisions will be permitted to expend donated funds only to the extent they exist so that General Fund dollars will not make up any shortfall. This will authorize the receipt and expenditure of donations without Council approval as no budget amendment will be necessary. I recommend that we include a donated funds item in divisional budgets next fiscal year. All donations will be included in the Mayor's report.

The Resolution requires that these matters which are no longer voted on by the Council will be a part of every Mayor's Report at each Council meeting. In addition, they will be included on the LFUCG website.

In addition to shortening the Thursday night meetings considerably, the proposed changes will greatly reduce our publication costs. State law requires that all ordinances and resolutions, by descriptive title, be published, with the exception of certain ordinances which must be published in full. Susan Lamb advises that these changes could save LFUCG a minimum of \$74,000. (In FY10, instead of paying an estimated \$211,690 we would pay \$137,690).

Jim Newberry, Mayor
Urban County Councilmembers
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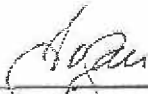
Additional savings will be realized in reduced staff time in all Departments and Divisions that are required to be involved in the bluesheet process. For instance, since Law prepares every Ordinance and Resolution, our staff attorneys and support staff will have more time to devote to other matters.

I am enclosing three recent meeting dockets with the items removed by the proposal highlighted. As you can see, it is significant.

Once these changes are made, it seems to me that the relevance of the Work Session diminishes considerably, perhaps altogether. In turn, this should eliminate many of the concerns expressed about Andrea's proposal to change the committees and docketing of actions.

As you consider this proposal, please remember that the Council Rules may always be amended to reflect necessary changes. Moreover, if the proposed changes are not effective, you can always repeal them and proceed under the current process.

Please advise if you have questions or comments.



Logan B. Askew, Commissioner

attachments

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DRAFT
8/18/09

RESOLUTION NO. ____-2009

A RESOLUTION AMENDING SECTION 3.101 OF THE COUNCIL RULES TO PROVIDE THAT THE FOLLOWING SHALL NOT REQUIRE ACTION BY THE URBAN COUNTY COUNCIL: EXECUTION OF DEEDS AND EASEMENTS FOR VARIOUS TYPES OF PROJECTS; EXECUTION OF CLOSING STATEMENTS FOR REAL ESTATE PROJECTS; MAKING PERMANENT AND PROBATIONARY APPOINTMENTS; EXECUTION AND SUBMISSION OF GRANT APPLICATIONS, EXCEPT AS REQUIRED; ACCEPTANCE OF BIDS WHERE FUNDS HAVE BEEN BUDGETED; EXECUTION OF CONTRACTS IN AN AMOUNT NOT TO EXCEED \$50,000.00 AND FOR WHICH FUNDS ARE BUDGETED; ACCEPTANCE OF DONATIONS OF GOODS OR SERVICES NOT REQUIRING A BUDGET AMENDMENT; EXECUTION OF PROFESSIONAL SERVICES CONTRACTS AS DEFINED BY CAO POLICY NO. 1 IN AMOUNTS NOT TO EXCEED \$49,999, WHERE FUNDS ARE BUDGETED; EXECUTION OF EASEMENT RELEASES AND ENCROACHMENT AGREEMENTS; EXECUTION OF EQUIPMENT MAINTENANCE CONTRACTS WHERE FUNDS ARE BUDGETED; EXECUTION OF CHANGE ORDERS ON CONTRACTS WHICH DO NOT EXCEED THE LESSER OF: 10% OF THE ORIGINAL CONTRACT PRICE AND ANY AMENDMENTS THERETO OR \$25,000; AND EXTENSION OF EXISTING GRANT AGREEMENTS WHICH ARE AT NO ADDITIONAL COSTS TO THE URBAN COUNTY GOVERNMENT; PROVIDING THAT EACH COUNCIL MEETING, THE COMMUNICATIONS FROM THE MAYOR SHALL INCLUDE A DESCRIPTION OF THE ABOVE DOCUMENTS EXECUTED OR APPROVED SINCE THE PREVIOUS SUCH REPORT FOR WHICH COUNCIL RECEIVED NOTIFICATION PRIOR TO THE ADOPTION OF THIS RULE; AND PROVIDING THAT ALL SUCH ITEMS INCLUDED IN THE COMMUNICATIONS FROM THE MAYOR SHALL BE POSTED ON THE URBAN COUNTY GOVERNMENT WEBSITE.

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, the Urban County Council has traditionally and unnecessarily formally approved certain matters for which the legal parameters for administrative action have been established by statute, ordinance or resolution, such as personnel appointments and acceptance of bids; and,

WHEREAS, the Urban County Council has traditionally and unnecessarily formally approved certain matters for which it has previously given approval, such as public improvement projects, which include the acquisition of real property interests, grants, and contracts for which funds have been budgeted; and,

WHEREAS, the above formal approvals simply ratify matters resulting in unnecessary duplicative Urban County Council action which clogs the Council docket and delays implementation of the subject action; and,

WHEREAS, in order to improve the effective and efficient operation of government, it is the desire of the Urban County Council to authorize the mayor to take the below actions without the enactment of resolutions which will result in significant cost savings to the general fund in reduced staff time and in publication costs; and,

WHEREAS, the inclusion of the below matters in the mayor's report which will be posted on LFUCG's website, will provide the public with access to this information in a more comprehensible format than numerous published resolutions; 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 _____, 2009.

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

Section 1 – That Section 3.101 of the Council Rules be, and is hereby, amended to read as follows:

Sec. 3.101. Manner of Legislation

Pursuant to Charter section 4.07, the council exercises its legislative authority by both ordinances and resolutions, but is not required to make any distinction in the formalities observed in the adoption of each. Traditionally, Kentucky courts have said that a resolution is thought of as ministerial and temporary in character, whereas an ordinance prescribes a permanent rule of conduct for government. Accordingly, the department of law drafts all urban county government legislation in the form of resolutions unless the legislation is to be codified in the Code of Ordinances, is appropriating funds or is specifically required by law to be an ordinance. Aside from the foregoing technical distinction in the definitions of ordinances and resolutions, there is no practical difference in the effect of the respective acts.

The following actions shall not require action by the Urban County Council:

(a) Execution of deeds and easements for bike trails projects, storm and sanitary sewer projects, and roadway construction projects which projects have received Council approval;

(b) Execution of Closing Statements for deed and easement acquisitions for which Council has budgeted funds;

(c) Making Permanent and Probationary Appointments, except for employee reclassification and otherwise any adjustment to the compensation of any existing employee not provided by Ordinance;

(d) Executing and submitting grant applications except as required;

(e) Acceptance of bids which bids have been solicited in accordance with the purchasing procedures adopted by Council and for which funds have been budgeted;

(f) Acceptance of donations of goods or services that do not require a budget amendment;

(g) Execution of contracts in an amount not to exceed \$50,000 for which Council has budgeted funds;

(h) Execution of professional services contracts as defined in CAO Policy 1 in amounts not to exceed \$49,999 for which Council has budgeted professional service funds for a division. Professional services contracts in amounts of \$50,000 or more shall be approved by Council;

(i) Execution of Easement Releases, and Encroachment Agreements;

(j) Execution of equipment maintenance contracts for which Council has appropriated funds;

(k) Extensions of existing grant agreements previously approved by Council which do not involve any additional appropriation of revenue;

(l) Execution of change orders on any contracts which do not exceed the lesser of: 10% of the original contract price and any amendments thereto or \$25,000.

At each council meeting, the communications from the mayor shall include a description of the above documents executed or approved since the previous such communication for which Council received notification prior to the adoption of this amended rule. The communications from the mayor shall be posted on the LFLCG website.

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

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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Lexington
Fayette
Urban
County
Government



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September 12, 1997

DEPARTMENT OF LAW

Robert Jefferson, Councilmember
Lexington-Fayette Urban
County Government
Fifth Floor
200 East Main Street
Lexington, KY 40507

RE: Presiding Officer at Work Sessions

Dear Councilmember Jefferson:

You have requested our opinion whether the Vice-Mayor of the Lexington-Fayette Urban County Government may be empowered, by resolution duly enacted by the Urban County Council (the "Council"), to serve as the presiding officer at the "work sessions" of the Council.

In order to render this opinion, we have reviewed the Charter of the Lexington-Fayette Urban County Government (the "Charter"), and such other documents and matters as we have deemed necessary and appropriate to render the opinion set forth herein.

The Charter, as a referendum type enactment, is subject to the rules of construction which apply to statutes. 42 Am.Jur.2d, Initiative and Referendum, § 55 (1969); 82 CJS, Statutes, § 148 (1953).

The intent of a statute is to be gathered from all parts of the statute. Johnson v. Frankfort & Cincinnati R.R., 303 Ky. 256, 197 S.W.2d 432, 434 (1946). In interpreting a statute, effect must be given where possible to every word in a statute, but where the object is plain and the intent can be ascertained with certainty from the entire context, it will not be defeated by inadvertent or careless use of some word or phrase. Wilkins v. Bax, Ky., 262 S.W.2d 663, 664 (1953). Words of a statute are to be given their usual, ordinary and everyday meaning. Louisville Country Club, Inc. v. Gray, 178 F.Supp. 915, 918 (D.C. Ky. 1959); Louisville Title Co. v. Lucas, 27 F.2d 413, 416 (D.C. Ky. 1928); Gateway Construction Co. v. Wallbaum, Ky., 356 S.W.2d 247, 249 (1962).

Robert Jefferson, Councilmember
September 12, 1997

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Section 4.07 of the Charter provides in pertinent part:

The presiding officer of the Council shall be the Chief Executive Officer of the Merged Government, to be known as the "Mayor." . . . 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.

In the absence of the Mayor, the presiding officer of the Council shall be the Vice-Mayor

Except as otherwise provided in this Charter, the Council shall determine its own rules and order of business and shall provide for keeping a record of its proceedings.
(Emphasis added.)

Section 5.04 of the Charter provides in pertinent part:

The Mayor shall have the right to examine and inspect the books, records and official papers of any department, board, commission, office or agency of the Merged Government, and to attend the meetings of the Council, or any board or commission and make recommendations thereto.

In addition, the Mayor:

- A. Shall preside at all Council meetings, but vote only in the case of a tie, as provided in Article Four of this Charter.

A "meeting" is defined as "a coming together of persons; an assembly." Black's Law Dictionary 1134 (Rev'd 4th ed. 1968).

Based upon the foregoing, it is our opinion that the Council may, as it has done in Council Rule 4.201, enact a resolution authorizing the Vice-Mayor to serve as the presiding officer of the work sessions of the Council, but only in the absence of the

Robert Jefferson, Councilmember
September 12, 1997

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Mayor.

Very truly yours,


Mary Ann Delaney
Acting Commissioner of Law

cc: Pam Miller, Mayor
Office of Urban County Council

that the Mayor appoint such a committee using civic clubs interested in this issue and other citizens.

On a motion by Yates, second Fogle, Council approved the animal cruelty ordinance as amended. The amendment was to change the last sentence of section 4-9c of the proposed ordinance to read for actual costs incurred in seizing, impounding, and confining the animal or fowl.

Regarding the adjustments to personnel hiring/promotion guidelines in the divisions of Fire and Police, on a motion by Yates, second Fogle, Council voted to approve the ordinance as amended (Mitchell – no). The amendment was that section 5 of the ordinance be amended to provide for an effective date for sections 1, 2, and 3 of January 1, 1999, and section 4 would be effective on passage. Mr. Mitchell stated that he did not think this is fair, and they could pass over people who have finished higher on the test.

- D. Discussion of Presiding Officer for Work Session – Mr. Jefferson had asked that they consider the issue of instituting the Vice-Mayor as presiding officer of the Council Work Session. He felt this was a legislative session, and Council should chair its own legislative session. He stated that this was not a part of the Charter. He felt that the Vice-Mayor should be the presiding officer of the Council. A motion by Jefferson, second George Brown, that section 4.201 of the Council Rules regarding presiding officer, be changed with the beginning sentence to add except at Council work sessions, the presiding officer of the Council shall be the chief executive officer, therefore the Vice-Mayor would serve as chair of the work sessions, was followed by discussion.

Vice-Mayor Yates cited opposition to the above motion for the following reasons: did not think it is legally permissible; the work sessions are not distinct from the formal meetings because they are an integral part of the working of this government; it would create a division between the administrative and legislative branches and make communication and cooperation more difficult; we hash things out in work sessions and the administrative branch should be a part of that; and our merged government has been a model for cities, and a change like this would be disruptive to our community.

Mr. DeCamp was opposed to the motion. He stated that they work well with the executive branch, and work sessions are where the work is done. He stated that the absence of the Mayor as chair would lead them into blind alleys.

Mr. Mitchell stated that he opposed the motion. However, he felt they needed to set up some guidelines and have the Robert's Rules of Order better enforced.

Mr. Crosbie opposed the motion noting legal ramifications. He stated that the voters have elected the Mayor for her leadership and her agenda. He felt that it was fundamental that she participate in the work sessions.

George Brown was in favor of the motion. He stated that they do not have a separation of powers in this government. He stated that right now the head of the executive branch is the head of the legislative branch of this government. He stated that Council has a tendency to be put in the middle of things and made scapegoats in the case of some outcomes. He noted that Robert's Rules of Order talks about impartiality of the chair, and he felt that we sometimes don't have impartiality.

Ms. Martin stated that on the last Chamber trip people came back talking about the way it was done in that community. She was concerned about the legalities of this. She indicated that she would abstain because she felt that she did not have enough information until she had the Attorney General's opinion.

The above motion then failed 2-12-1 (Jefferson and George Brown – yes; Martin – abstain).

V. Council Report

1. Ms. Gorton indicated that she was happy to represent the fourth district.
2. Ms. Mossotti wanted to put on the March Planning Committee agenda the issue of lot grades because of problems with storm water runoff and other concerns. Ms. Martin stated that Engineering would be addressing this in the manuals. On a motion by Mossotti, second Farmer, Council voted that this issue be discussed at the March Planning Committee meeting.
3. On a motion by Fogle, second Shafer, Council placed on the docket lowering the speed limit on St. George Dr. to 25 mph, as recommended by Traffic Engineering.
4. Ms. Martin noted that the Kentucky Wildcats Football Team represented us well in the Outback Bowl.

DRAFT
12/5/08

RESOLUTION NO. ____-2008

A RESOLUTION

WHEREAS, the 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 Council to amend the Rules to reorganize council work session and standing committees; and

WHEREAS, it is the intent of the Council replace work session with committee of the whole meetings, to increase the number of standing committees and decrease the number of councilmembers who serve on each committee; 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 _____ on _____, 2008.

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

Section 1 = That Section 2.101 of the Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council 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 ~~the term of the vice-mayor making the appointment~~ a term of two 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 for the budget and finance committee acting as a committee of the whole, the standing committees shall elect their own chairmen, who shall appoint vice-chairmen. The vice-mayor shall designate the chairman 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 2 - That Section 2.102 of the Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Section 2.102 - Standing committees.

As soon as possible after the election of the vice-mayor, the vice-mayor shall make appointments to the standing committees, as required by these rules. The planning, ~~intergovernmental and services~~ social services, general government, public safety, public works and environmental quality committees shall each consist of ~~ten (10)~~ five (5) councilmembers; and each councilmember shall be appointed to serve on two (2) of these committees. The budget and finance committee shall consist of ten (10) councilmembers, as follows: The three (3) at-large councilmembers, the chairmen of the ~~planning, intergovernmental and services~~ standing committees, and ~~four (4)~~ one district councilmember[s] appointed in accordance with rule

2.101; provided, however, that if an at-large councilmember serves as chairman of one (1) of the aforementioned standing committees, the vice-mayor shall appoint another district councilmember in his or her place. During the actual review of the annual budget, the budget and finance committee shall become a de facto committee of the whole with all councilmembers serving as committee members, the vice-mayor serving as chairman, and the committee chairman serving as vice-chairman. The standing committees shall be as follows:

(1) Planning and zoning committee, to which ~~[should]~~ shall be referred matters relating to ~~[parks, planning and zoning, housing, transportation, grants, legislation, and social services]~~ the Division of Planning and including, but not limited to, matters relating to housing, infill and redevelopment, purchase of development rights and historic preservation. ~~[The regular meetings of the planning committee shall be held on the dates and times specified in a schedule of meetings adopted annually by the council by ordinance, in the council chambers of the Lexington-Fayette Government Center at 200 East Main Street.]~~

(2) ~~[Intergovernmental committee, to which should be referred matters relating to wages and classification, personnel, government organization, employee relations, government buildings, and property maintenance. The regular meetings of the intergovernmental committee shall be held on the dates and times specified in a schedule of meetings adopted annually by the council by ordinance, in the council chambers of the Lexington-Fayette Government Center at 200 East Main Street.]~~ The Social Services committee, to which shall be referred matters relating to Partner Agencies and the Department of Social Services and its divisions.

(3) ~~[Services committee, to which should be referred matters relating to public safety, public works, urban county courts and constitutional officers. The regular meetings of the services committee shall be held on the dates and times specified in a schedule of meetings adopted annually by the council by ordinance, in the council chambers of the Lexington-Fayette Government Center at 201 East Main~~

~~Street. The General Government committee, to which shall be referred matters relating to the general administration of government, the Department of Law, the Department of General Services and each departments respective divisions.~~

(4) Budget and finance committee, to which ~~[should]~~ shall be referred matters relating to the Department of Finance and Administration and its divisions, 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). 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 reports its findings concerning the same to the mayor and council for appropriate action. ~~[The regular meetings of the budget and finance committee shall be held on the dates and times specified in a schedule of meetings adopted annually by the council by ordinance, in the council chambers of the Lexington-Fayette Government Center at 200 East Main Street.]~~

(5) Public Safety committee, to which shall be referred matters relating to the Department of Public Safety and its divisions.

(6) Public Works committee, to which shall be referred matters relating to capital improvement projects, the Divisions of Streets, Roads and Urban Forestry, Engineering, Building Inspection, and Traffic Engineering.

(7) Environmental Quality committee, to which shall be referred matters relating to the Department of Environmental Quality and its divisions.

Section 3 – That Section 2.202 of the Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Section 2.202 Meetings

~~[Standing committees will schedule at least one (1) regular meeting every month.]~~ The regular meetings of all standing committees shall be held on the dates, times and location specified in a schedule of meetings adopted annually by the council by ordinance.

Any standing or special committee or subcommittee may call special meetings in compliance with rule 4.103 and KRS 61.823.

Section 4 – That Section 2.204 of the Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Section 2.204 Reference of matters to committee.

The mayor or vice-mayor may refer any item directly to committee. Any councilmember may request the vice-mayor to refer items to committee. Otherwise items shall be referred to committee at ~~[work-session]~~ a committee of the whole meeting or official session by a majority vote. All items which are sent directly to committee through the vice-mayor should be included as information in the packet and notice given at the ~~[work-session]~~ the committee of the whole meeting.

Section 4 – That Section 4.104 of the Appendix A, Rules and Procedures of the Lexington-Fayette Urban County Council be and hereby is amended to read as follows:

Sec. 4.104. ~~[Work-session]~~ Committee of the Whole.

(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 meeting of the committee of the whole. ~~work session.~~ Action taken by the urban county council at a ~~work~~ committee of the whole session is procedural in nature. 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~~ committee of the whole:

I. Public comment - agenda items only

II. Approval of summary.

~~[(H) III. *Requested rezoning/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.)]~~

~~[*Reports of the standing council committees should be placed ahead of any other presentations.]~~

~~[(H) III. Approval of summary.]~~

~~[(H) III. *Budget amendments.]~~

IV. New business.

VII. Continuing business/presentations.*]

~~[*Usually on the Tuesday immediately preceding the Thursday council meeting.]~~

VIII. Council report.

~~VIII. Mayor's report.~~

~~IX-VII. Public comment.~~

(b) The work session committee of the whole agenda shall be composed of items referred from the following sources:

~~[(a) -- Mayor;~~
~~(b)(a) Councilmember;~~
~~(c)(b) Council committees; and~~
~~[(d) Officers and employees via~~
~~administrative review procedure, which requires the~~
~~knowledge and consent of the mayor.]~~
(c) Items deferred from Previous
sessions of the Committee of the Whole.

(c) The ~~[work-session]~~ committee of the whole
 agenda, which shall ~~[also include items deferred from~~
~~previous work sessions of the committee of the whole,~~
~~is]~~ be prepared and delivered on the Friday preceding
the scheduled work-- committee of the whole
session.

(d) At the work-session committee of the whole,
 the council will take one (1) of the following
 steps after discussion of each agenda item:
 (a) Refer it to a council committee;
 (b) Refer it to the administration for
 action, report or a recommendation;
 (c) Place it on the docket of an
 official council meeting;
 (d) Remove or defeat; or
 (e) No action; received as
 information.

(e) At the work-session committee of the whole
 preceding an official council meeting, the council shall
 also consider ~~[in addition to previously approved~~
~~session agenda.]~~ a tentative docket for the coming
council meeting. This "work" docket is prepared by
 the council clerk and shall include the following:

- (1) Items previously referred to the docket
by council;
- (2) Zoning amendments;
- (3) Acceptance or rejection of bids; ~~[and]~~
- (4) Communications from the mayor; ~~[-]~~
- (5) Items referred from the mayor;
- (6) Items referred from Officers and
employees via the administrative review
procedure which require the knowledge and
consent of the mayor; and
- (7) Budget Amendments.

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(f) Before acting on a motion to approve the docket, any individual item listed for "first reading" shall be removed upon the request of any Council Member. Items so requested shall be removed, and added to "New Business" as separate agenda items. After discussion of each individual item, the Council shall:

- (a) Refer it to a council committee;
- (b) Refer it to the administration for action, report or a recommendation;
- (c) Place it on the docket of an official council meeting;
- (d) Remove or defeat; or
- (e) Postpone action to a later date

(g) In the case of a requested rezoning, the council committee of the whole shall during work session decide whether to follow the planning commission's recommendation without a hearing; to review the planning commission record and base its decision thereupon; or to hold its own hearing and base its decision both upon it 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.

(gh) In cases where the council decides to hold its own public hearing and base its decision both upon it 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.

(h) The work docket as approved ~~at work~~ by the committee of the whole session, along with agenda referrals authorized that day, shall be the docket considered by the council in its next official meeting.

Section 5 - That this section shall become effective upon passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

ARTICLE 4. THE URBAN COUNTY COUNCIL

Sec. 4.01. Urban County Council Created; Number of Members.

The legislative authority of the Lexington-Fayette Urban County Government, except as otherwise specified in this Charter, shall be vested in the Urban County Council, sometimes hereinafter referred to as the "Council." The size of the Council shall be set at fifteen (15) members, including twelve (12) members elected from single-member districts and three (3) members elected at-large. Qualified voters in each of the twelve (12) council districts shall elect one (1) member of the Council. At-large members shall be elected by the qualified voters of the entire Urban County.

Sec. 4.02. Districts Established.

There shall be twelve (12) single-member council districts within the territorial limits of the Merged Government. The boundaries, population and numerical designation of the twelve (12) initial council districts are specified in Appendix A of this Charter and shall remain in effect until altered or changed in accordance with provisions set forth in this Charter.

Sec. 4.03. Redistricting Council Districts.

Following the official publication of each decennial census by the United States Bureau of the Census for the area embraced by the Merged Government, the Council shall, if necessary, adopt an ordinance to redistrict the twelve (12) council districts in accordance with the rules and provisions contained herein. The Council shall determine, on the advice of the planning agency designated in this Charter, the population of each existing council district. The Council shall then prepare and adopt a redistricting ordinance which shall provide for population equality among council districts as near as reasonably practicable. The Council shall not create or establish a council district that is not compact and contiguous.

Within the limits established above, the Council may take cognizance of such factors as "community or diversity of interest," "relative rates of population growth" based on official United States census returns, and "patterns of social and economic interests." In no case shall the Council fail to pass a redistricting ordinance, if necessitated by the provisions of this Charter, later than April 1 preceding the primaries for any regular election in which a seat on the Council of the Merged Government is at stake. Should the Council fail to comply with this requirement, the Circuit Court of Fayette County shall prescribe a redistricting plan in accordance with the rules and limitations of this Charter. Annotation--The boundaries of the council districts were redistricted by Ordinances No. 123-82 and No. 72-92. See KRS 67A.023.

Sec. 4.04. Terms of Office; Times and Nature of Elections.

Council members elected from single-member districts shall serve for a term of two (2) years beginning on the first Monday in January following their election. In no case shall any member elected from a single-member district serve more than six (6) consecutive terms as a district council member. At-large council members shall serve a term of four (4) years beginning on the first Monday in the January following their election. In no case

shall an at-large council member serve more than three (3) consecutive terms as an at-large council member.

All elections for members of the Council shall be conducted on a non-partisan basis in November of odd numbered years according to the rules and provisions set forth for elections in Article Twelve of this Charter.

(Ord. No. 66-87, § 1, 4-16-87)

Annotation--(1) This section was proposed for amendment by Ordinance No. 66-87; the amendment was adopted by the voters on November 3, 1987; and accordingly this section was amended effective January 1, 1988. A second amendment was proposed for this section by Ordinance No. 83-99 and it will be submitted to the voters on November 2, 1999.

(2) The year in which elections for council members are held was changed to even numbered years, pursuant to an amendment to the Kentucky Constitution proposed by 1992 Ky. Acts Ch. 168 and ratified by the voters on November 3, 1992.

Sec. 4.05. Qualifications and Compensation of Council Members.

No persons shall be eligible to serve as a member of the Urban County Council unless he or she shall be a qualified voter and a resident of the County of Fayette or the Merged Government for a period of at least one (1) year prior to filing as a candidate for a seat on said Council. No persons shall be eligible to serve as a district council member unless he or she shall have also resided within the district for at least six (6) months immediately prior to filing as a candidate for a seat on the Council. A district council member must continue to reside within the district from which he or she was elected throughout the term of office.

All duly elected members of the Council shall receive an annual salary to be fixed by the Council, which shall not exceed \$6,000 per annum, or the maximum set by the General Assembly of Kentucky for Urban County Governments. In no case shall any change in the annual salary of council members voted by the Council become effective during the current term of any council member.

Annotation--The salary of council members has been changed pursuant to the increase or decrease in the consumer price index using 1972 as a base year pursuant to Ordinances No. 303-77, 118-81, 245-81, 280-85, 239-89, and 95-97.

Sec. 4.06. Vacancies.

The office of a district council member shall become vacant upon the death, resignation, or ineligibility due to change of residence to a place outside the boundaries of the district from which he or she was elected as defined under the provisions of this Charter. When a district council office becomes vacant, the Mayor of the Urban County Government shall, within thirty (30) days of establishing that a vacancy exists, appoint a successor to fill the vacancy for the remainder of the term. The Council may, within fifteen (15) days of such an appointment, disapprove the appointment of the Mayor by a vote of two-thirds ($\frac{2}{3}$) of its members. Upon a vote of disapproval, the Mayor shall continue to appoint a successor to fill the vacancy in question. In no case shall the Mayor appoint any individual to fill a specified district council vacancy who has been disapproved by the Council to fill said vacancy.

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The office of an at-large council member shall become vacant upon the death, resignation, or ineligibility due to a change of residence to a place outside the territory of the Lexington-Fayette Urban County Government. When an at-large council office becomes vacant less than two (2) years prior to the filing date of the next general election for at-large seats on the Council, the Mayor shall, subject to the provisions and limitations governing vacancies in a district council seat, appoint a successor to fill out the remainder of the term of the at-large member. When an at-large council office becomes vacant more than two (2) years prior to the filing date of the next general election for at-large seats on the Council, the Mayor shall, subject to the provisions and limitations governing vacancies in a district council seat, appoint a successor to fill out the remainder of the term of the at-large member until the installation of the Council following the next general election of any member of the Council. In the event such an appointment is made, the Mayor shall call a special election to fill the remaining term of the at-large vacancy to be conducted on the date and time of the next general Urban County Government election in which any seat on the Council is at stake.

Sec. 4.07. Presiding Officer; Rules of Procedure; Meetings.

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. 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.

In the absence of the Mayor, the presiding officer of the Council shall be the Vice-Mayor, who 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 a majority vote of the Council from among the tied at-large members of the Council at a special meeting of the Council immediately following the installation 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. 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.

Official action by 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. All official actions by the Council, except as otherwise provided in this Charter, shall be by a vote of a majority of all

LFUCG CHARTER

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Sec. 4.07. Presiding Officer; Rules of Procedure; Meetings.

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. 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. In the absence of the Mayor, the presiding officer of the Council shall be the Vice-Mayor, who 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 a majority vote of the Council from among the tied at-large members of the Council at a special meeting of the Council immediately following the installation 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. 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.

Official action by 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. All official actions by the Council, except as otherwise provided in this Charter, shall be by a vote of a majority of all

Council members. Voting, except on procedural motions, shall be by roll call and the yeas and nays shall be recorded in the official record of the Council.

No official action shall be taken by the Council except in meetings open to the public; and the Council shall meet in regular, public meetings at least twice a month. The Council shall prescribe the time and place of all public meetings, provided that the time and place prescribed for regular public meetings shall not be changed except by a vote of two-thirds (2/3) of the members of the Council. All changes in the prescribed time and place of regular Council meetings must be advertised in a newspaper of general circulation in the area served by the Merged Government at least seven (7) days prior to the implementation of such change. A quorum for all meetings of the Council shall consist of not fewer than ten (10) of the fifteen (15) members of the Council.

Special meetings may be held on call of the Mayor, or a majority of the members of the Council, provided that: All members of the Council shall be given at least twenty-four (24) hours written notice; and the time and place of special meetings shall be published in a newspaper of general circulation at least twenty-four (24) hours prior to convening any special meeting.

Except as otherwise provided in this Charter, the Council shall determine its own rules and order of business and shall provide for keeping a record of its proceedings. This record shall be a public record.

Annotation--(1) The portion of this section relating to the selection of a vice-mayor was proposed for amendment by petition of the voters; the amendment was adopted by the voters on November 3, 1987; and accordingly this section was amended effective January 1, 1990. The role of the vice-mayor is addressed in the council rules adopted by Resolution No. 55-79, as amended.

(2) The portions of this section relating to the time, place, notice and call of meetings have in some instances been superseded by KRS 61.805 et seq. The schedule for regular, public meetings of the council is set in Code of Ordinances Section 2-1.

(3) See also KRS 67A.070(3) relating to requirements for reading ordinances and resolutions; KRS 67A.070(3) relating to suspension of the rules and second reading of ordinances and resolutions; and Charter Section 5.05 and KRS 67A.070(4) relating to mayoral vetoes.

Sec. 4.08. Powers

All legislative powers of the Merged Government are vested in the Council, and the Council shall have the power to act legislatively with respect to all matters which are within the powers of the Merged Government. The term legislative power as to be construed broadly and shall include the power to review the budgets of, and appropriate money to, the Merged Government and such independent agencies as provided for in this Charter. The powers of the Council shall also include the power to levy taxes, subject to the limitations of this Charter and the laws of the Commonwealth of Kentucky. The Council, or a committee of the Council, appointed under Council rules for establishing standing and temporary committees, shall have the power to make investigations into the affairs of the Merged Government and the conduct of any department, office or agency of the Merged Government. For this purpose, the Council, or such duly appointed committee of the Council, may subpoena witnesses, administer oaths, take testimony, and require the production of evidence under penalty to be

67A.070 Ordinance powers -- Conflicts -- Readings -- Effective date -- Publication requirements -- Adoption by reference to recognized codes.

- (1) Urban-county governments may enact and enforce within their territorial limits such tax, licensing, police, sanitary and other ordinances not in conflict with the Constitution and general statutes of this state now or hereafter enacted, as they shall deem requisite for the health, education, safety, welfare and convenience of the inhabitants of the county and for the effective administration of the urban-county government.
- (2) Urban-county government ordinances shall be deemed to conflict with general statutes of this state only:
 - (a) When the ordinance authorizes that which is expressly prohibited by a general statute; or
 - (b) When there is a comprehensive scheme of legislation on the same subject embodied in a general statute.
- (3) No ordinance or resolution shall be considered by the urban-county government legislative body until it has been read at two (2) separate meetings; provided, however, that the requirement for a second reading may be suspended by a two-thirds (2/3) vote of the membership of the legislative body. 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.
- (4) All ordinances and resolutions shall be effective upon passage, unless timely vetoed by the chief executive officer of the urban-county government pursuant to the provisions of the comprehensive plan of the urban-county government. Any ordinance or resolution imposing fines, forfeitures, imprisonment, taxes or fees, other than a bond ordinance or resolution, shall be published in full in the daily newspaper which has the largest bona fide circulation in the county and is published in the publication area. The publication requirements for all other ordinances or resolutions, including bond ordinances or resolutions, shall be satisfied by publication in full or by publication of the title and of a certified synopsis of the contents prepared by an attorney licensed to practice law in the Commonwealth of Kentucky.
- (5) The provisions of any local, statewide or nationally recognized standard code and codifications of entire bodies of local legislation may be adopted by ordinance which identifies the subject matter by title, source and date and incorporates the adopted provisions by reference without setting them out in full, provided a copy accompanies the adopting ordinance and is made a part of the permanent records of the urban-county government.

Effective: July 13, 1984

History: Amended 1984 Ky. Acts ch. 135, sec. 1, effective July 13, 1984. -- Amended 1976 Ky. Acts ch. 184, sec. 3. -- Created 1974 Ky. Acts ch. 402, sec. 1.



Lexington-Fayette Urban County Government
OFFICE OF THE COUNCIL CLERK

Jim Newberry
Mayor

Susan Lamb
Council Clerk

TO: Urban County Council
Intergovernmental Committee

FROM: Susan Lamb, Council Clerk

DATE: November 12, 2009

RE: Legislative Management System Update

The Request for Proposal (RFP) for the Legislative Management System has been drafted and is being reviewed for its finality. We are anticipating posting the RFP in December, 2009 and moving forward with the project by February, 2010 with full implementation in May, 2010.

If you have any questions, please let me know.

balg:ld

Intergovernmental Committee Items-Pending

<u>Item</u>	<u>Referred By</u>	<u>Date Referred</u>	<u>Status</u>
UK Smoke Free Ban	Lawless	10-27-09	
Groups that Make Board/Commission Nominations	Crosbie	8-11-09	September Committee Meeting
Authority of the Downtown Development Authority: Article 40 Section 2-248 of Code of Ordinances	James	6-8-09	June Committee Meeting
Oath for Boards/Commissions	Beard	3-3-09	Sub Committee/Working Group
Grievance Procedures	James	4-8-08	Sub Committee
Citizens' Advocate Office Draft Policy & Procedures Manual	Myers/ Ellinger	2-5-08	Sub Committee Meeting Pending
Boards & Commissions That Adhere to Ethics Act Financial Disclosure	Myers	8-14-07	Sept Meeting
Boards/Commissions Reporting	Myers	8-14-07	Sept Meeting
Council Standing Committees	Myers	1/16/07	COW Discussion

<u>Item</u>	<u>Referred By</u>	<u>Date Referred</u>	<u>Status</u>
High Risk Pay Supplement	Gorton	2/14/06	Unknown
Proposed New Compensation System	Gorton	1/15/05	Delayed-Finance & HR

PAS 09.29.2009