

James
Crosbie
Myers
Gray
Blues
Beard
Henson
Feigel
Lawless
Martin

INTER-GOVERNMENTAL COMMITTEE

February 9, 2010
1:00 P.M.

A G E N D A

1. Council & Public Comment - Crosbie (1-4)
2. Update on Committee Items (5-6)

"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)



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: January 28, 2010

RE: Public Comment/Council Response during Council Meetings

At the request of Council Member Crosbie, I contacted Kentucky's 2nd and 3rd class cities and asked if they allowed discussion of issues that were brought to the Council's attention during public comment.

The responses are as follows:

"The City has a "Comments from the General Public for Items Not on the Agenda." Sometimes the Board will discuss the items or at least advise the individual that the City will get back to them on their concern, but rarely do they ever take any action. The item may be on the next meeting's agenda though."
Marilyn Rowe, City Clerk, Winchester

"Our Mayor will read the conditions for attendance before the meeting starts (as per the attorney general). It states that in order for members from the community to speak they must sign in (name and address) before the meeting starts. The Mayor will determine how long each person can speak based on the number of interested bodies. This is the only time they get to speak unless the council wishes to hear more later once the meeting as started. We get all kinds of issues - some on the agenda - some not."
Tamie Johnson, City Clerk/Treasurer, Mayfield

"If we can answer the question or address the concern we do. If not we get their information and follow up with them."
Crissy Upton, City Clerk, MMC, Hopkinsville

"Our Commission will address the issue if it is able -- has the information, etc. If we don't have a ready answer, the city manager gets the person's contact information and gets back to them."
Lisa Dunbar, City Clerk, Maysville

"The City of BG established its own meeting procedures. We included a section specifically to allow Public Comment on any topic not already included on the agenda for regularly schedule meetings only. However, comment time is limited per person and it does not specify that the Board of Commissioners will actually discuss the topic at that time. The Board has the ability by majority to proceed with discussion or simply listen to comments."
Katie Schaller, City Clerk, Bowling Green

"The City of Owensboro lists an agenda item following "Communications from the Elected Officials" called "Public Forum" and specifies the following:

Members of the audience are invited to address the City Commission on any matter of public concern that was not on tonight's agenda. Speakers must come to the podium, state their name and address for the Clerk's record, and limit their remarks to under five (5) minutes. Since the item is not on the agenda, no response is required from City staff or the Commission.

This alleviates the problem of having to respond to whatever comes up and allows elected officials time to research the topic before responding."

Beverly Lovan, City Clerk, Owensboro

"Typically Florence City Council has discussed such items during a meeting. We have an item on our agenda (Other) and when we reach it the Mayor asks if anyone in the audience desires recognition at that time and if so then the person approaches the podium and speaks to City Council."

Joe Christofield, City Clerk, Florence

"When our citizen comments were placed at the end of the agenda, and it was NOT a special meeting, citizens could and did bring all manner of non-agenda items to the Board of Commissioners, and the commissioners often discussed the issue. The Parliamentary procedure is pretty much determined by the chair."

Ramona W. Newman, CKMC, Frankfort

"Here at Radcliff we used to hear audience comments during the meeting, but a couple of years ago we decided to remove it from the meeting and move it to after the meeting is adjourned. To cover the open meetings law, we put the following at the bottom of the agenda after "Adjournment" with an asterisk:

*The City Council members will be available immediately after the meeting to hear citizen comments. No action will be taken at this time. For any complaints or requests for service, citizens will need to fill out the appropriate forms that will be available at the meeting."

Barb Wilkins, City Clerk, Radcliff

"We allow the public to ask questions about ANYTHING at a regular scheduled meeting and we do discuss. However, at Special called meetings we don't discuss items not on the agenda and generally don't have a "hear the public" section. At our regular meetings however, we have a "hear the public" section"

Donna Peek, City Clerk, Danville

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL
Memorandum

TO: KC Crosbie, Councilmember
District

FROM: Paul Schoninger
Staff to Council

DATE: February 2, 2010

SUBJECT: Public/Council Comment on Items Not on Agenda

This memo is in response to you placing the aforementioned item in to the Inter Governmental Committee. In addition to this memo you have also received a memo from the Council Clerk, Susan Lamb, dated January 28, 2010 summarizing how other local legislative bodies deal with items not on the agenda. In addition I anticipate that the Department of Law will provide additional input. Further we might want to get input from the Council Parliamentarian, Councilmember Kevin Stinnett.

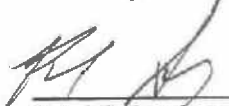
Ms. Lamb has identified several options used by Kentucky 2nd and 3rd class cities, including referring to Committee, referring to a future meeting, addressing at the meeting or not addressing. I believe Council has the option to do any/all of those actions.

If the Council or the Mayor wishes to address items not on the agenda the formal process could be that a motion is made to amend the agenda identifying the item to be added. Then a vote could be taken approving such an amendment to the agenda. I'm not qualified to address if Council wants to formalize the action to that extent.

Currently during Work Session, the public has two (2) opportunities to speak, including: (I) Public Comment-Issues on the Agenda; and (IX) Public Comment- Issues Not on the Agenda. In addition Councilmember's also have at least one (1) opportunity to speak on items not on the agenda during Council Report.

It is important to note that special meetings are treated differently and Council cannot deviate from the agenda. It's also important to note that work sessions are where work occurs, but official action only takes place at Council Meetings.

Should you need any further information please do not hesitate to contact me at 258-3208.



Paul Schoninger
Staff to Council



Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Newberry
Mayor

Logan Askew
Commissioner

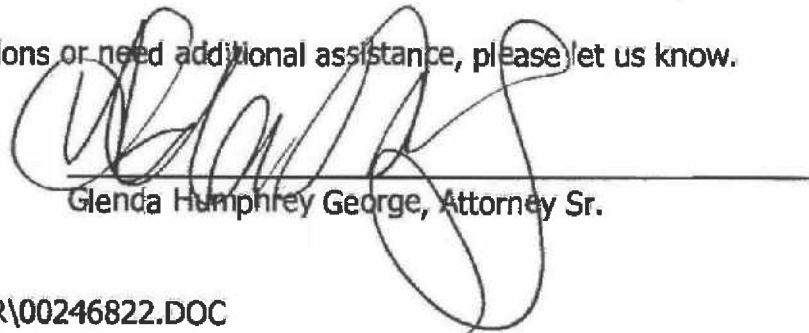
TO: Members, Intergovernmental Committee
FROM: Department of Law
DATE: February 4, 2010
RE: Council discussion of Public Comment

This memorandum is in response to a request from Councilmember Crosbie concerning whether the council may respond, discuss and/or considers issued raised by the public during public comment.

There is no rule that would prohibit such action. If a member of the public brings a matter to the attention of the council, at the end of the comment, the Council may then decide what action that it would like to take, i.e. open the floor for discussion, refer matter to committee, etc.

If you would like, we can amend the council rules to specifically address how such matters should be handled.

If you have any questions or need additional assistance, please let us know.



Glenda Humphrey George, Attorney Sr.

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Intergovernmental Committee Items-Pending

<u>Item</u>	<u>Referred By</u>	<u>Date Referred</u>	<u>Status</u>
Social Services Needs Assessment	James	2-2-10	Marc 2010
Creating one (1) position of Administrative Officer, Grade 118E in the Div. of Youth Services, Effective retroactive to June 22, 2009.	Myers	1-15-10	Mar 2010
Council Rules: Option to Speak Regarding Items Not on the Agenda	Crosbie	12-8-09	Feb Meeting
E911 Call Center Management	Lawless	12-1-09	Jan 2010 /Follow Up Mar 2010
UK Smoke Free Ban	Lawless	10-27-09	On Hold
Groups that Make Board/Commission Nominations	Crosbie	8-11-09	September 2010
Authority of the Downtown Development Authority: Article 40 Section 2-248 of Code of Ordinances	James	6-8-09	
Grievance Procedures	James	4-8-08	Sub Committee

Item	Referred By	Date Referred	Status
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	
Boards/Commissions Reporting	Myers	8-14-07	
Council Standing Committees	Myers	1/16/07	COW Discussion
High Risk Pay Supplement	Gorton	2/14/06	Unknown
Proposed New Compensation System	Gorton	1/15/05	Delayed-Finance & HR

PAS 01.06.2010