

DRAFT
4/5/10

RESOLUTION NO. _____-2010

A RESOLUTION AMENDING SECTION 3.101 OF THE COUNCIL RULES TO PROVIDE THAT THE FOLLOWING SHALL NOT REQUIRE ACTION BY THE URBAN COUNTY COUNCIL:

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

Items listed do not require that follow up documents be sent to Council Clerk

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 _____, 2010.

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

Items listed do not require that follow up documents be sent to Council Clerk

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 Closing Statements for deed and easement acquisitions for which Council has budgeted funds;

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

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

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

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 LFUCG website.

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

PASSED URBAN COUNTY COUNCIL:

—

MAYOR

ATTEST:

Items listed do not require that follow up documents be sent to Council Clerk

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

X:\Cases\LAW\09-CC0304\LEG\00237046-3.DOC

Items listed require that follow-up documents sent to Council Clerk
RESOLUTION NO. _____-2010

A RESOLUTION AMENDING SECTION 3.101 OF THE COUNCIL RULES TO PROVIDE THAT THE FOLLOWING SHALL NOT REQUIRE ACTION BY THE URBAN COUNTY COUNCIL:

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 _____, 2010.

Items listed require that follow-up documents sent to Council Clerk

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;(approved)

(b) Acceptance of bids, which bids have been solicited in accordance with the purchasing procedures adopted by Council and for which funds have been budgeted;(moved to Intergovernmental)

(c) Execution of contracts in an amount not to exceed \$24,999 for which Council has budgeted funds;(moved to Intergovernmental)

(d) Execution of professional services contracts as defined in CAO Policy 1 in amounts not to exceed \$24,999 in the aggregate per project for which Council has budgeted professional service funds for a division. Professional services contracts in amounts of \$25,000 or more shall be approved by Council; (moved to Intergovernmental)

(e) Execution of Easement Releases and Encroachment Agreements; (approved)

(f) Execution of equipment maintenance contracts for which Council has appropriated funds; (moved to Intergovernmental)

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

Items listed require that follow-up documents sent to Council Clerk

(h) Execution of change orders on any contracts in which the cumulative or aggregate amount of the change orders does not exceed the lesser of 10% of the original contract price or \$25,000. (approved)

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 LFUCG website.

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

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

GHG:X:\Cases\LAW09-CC0304\LEG\00206831-8.DOC

DRAFT

**Standing Committee
&
Work Session
Review**

Timeline

January 2007:	Placed in committee Opinion from Law Department
January 2008:	Research memo
May 2008:	IG appoints sub-committee
October 2008:	Sub-committee completes work
November 2008:	Sub-committee report referred to COW

Timeline

- | | |
|--------------------|---|
| Mid 2009: | Councilmember Lane requested another look, issue was placed back in IG. |
| November 17, 2009: | IG passed resolution, with amendments |
| December 1, 2009: | IG reports out at Work Session, CM Lane makes motion to refer to COW |

Identified Issues

- Committee size
- Forced to rely on subcommittees
- Committees have broad charge(Planning- Social Services)
- Committee charges unclear/committee “shopping”

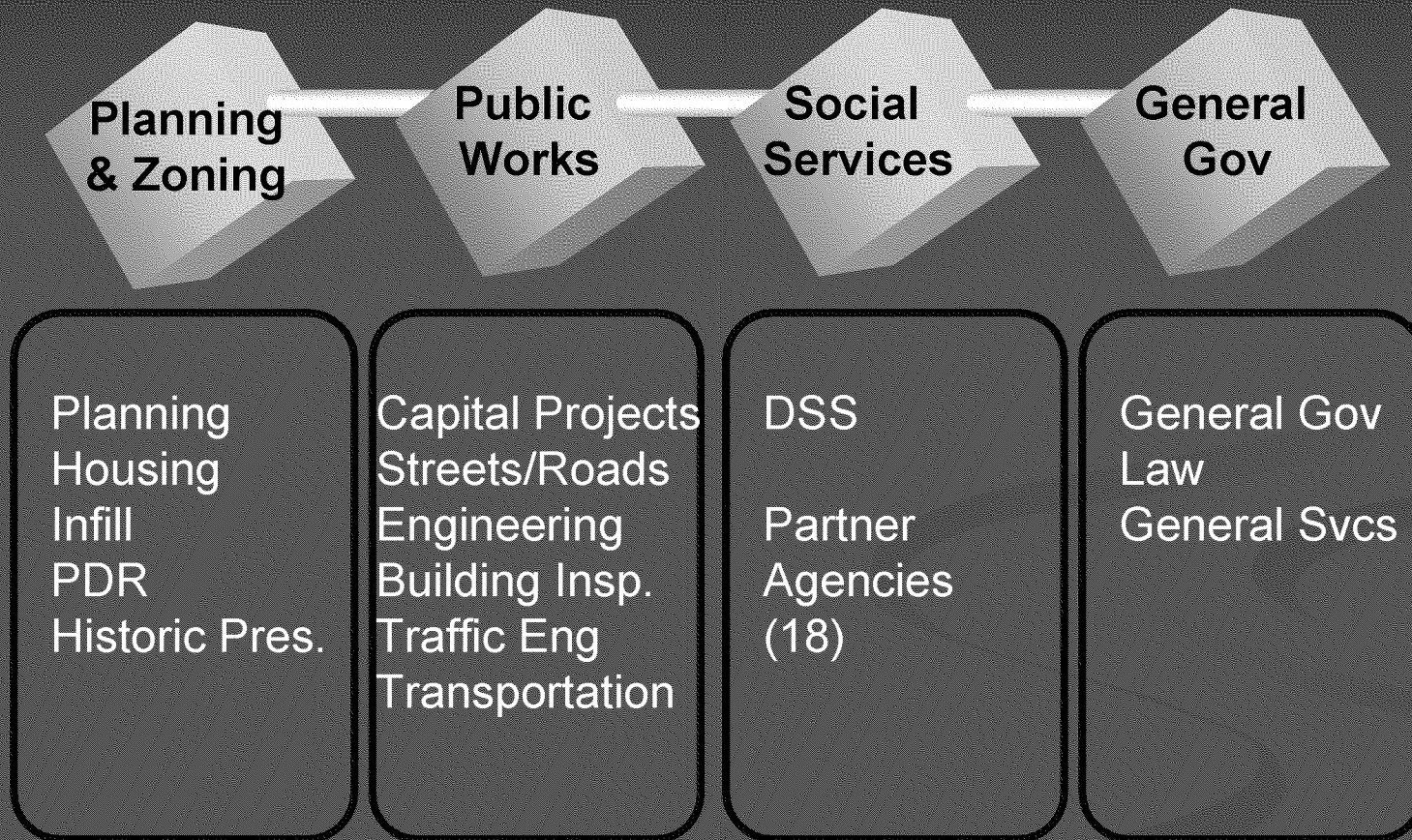
Comparison to other Cities

	# of Members	# of Committees	Committee Size	
Indianapolis	29	11	3-9	
Nashville	41	15	6-13	
Louisville	26	13	5-7	B&F: 10
Lexington	15	4	10	

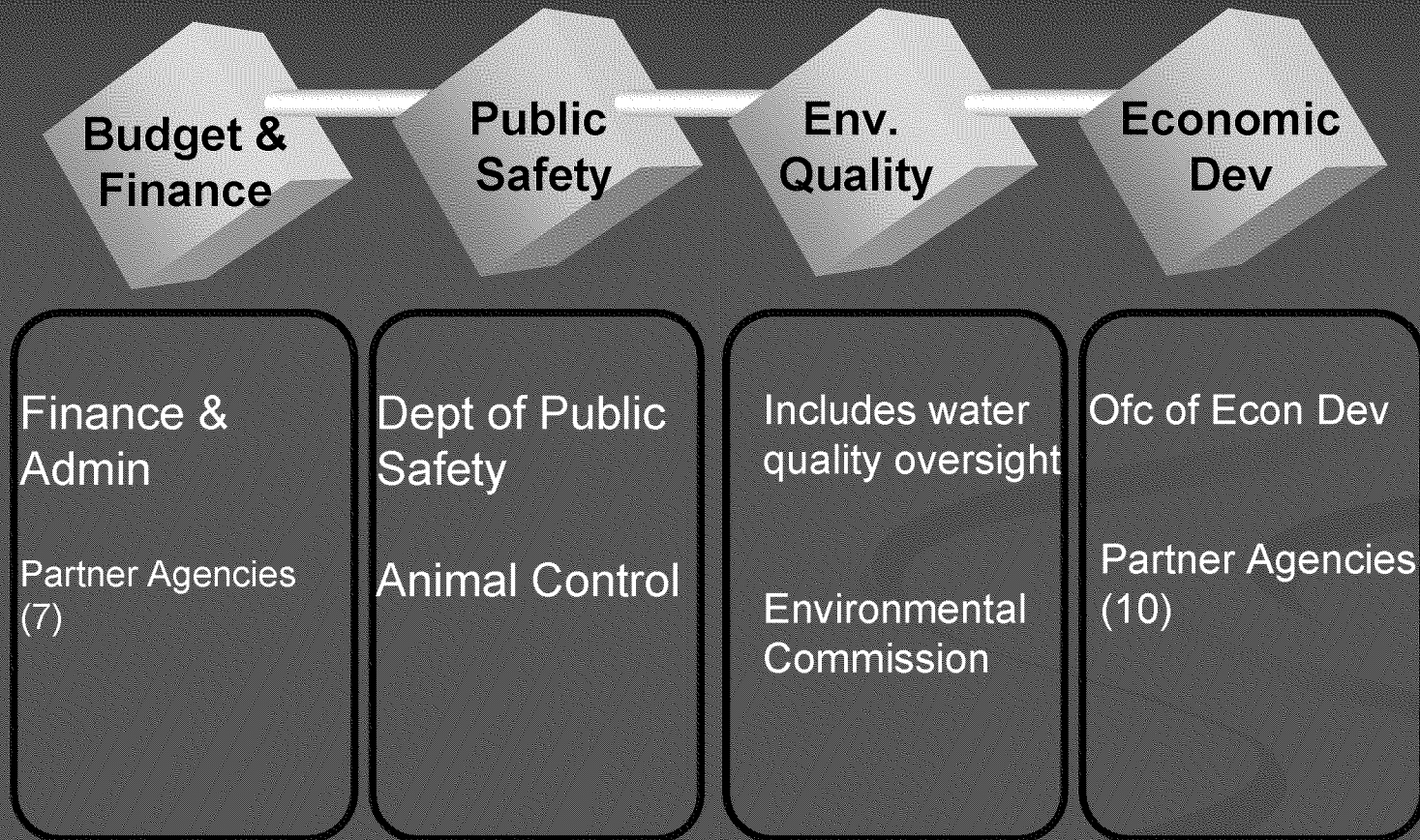
Proposed Committees

- Planning and Zoning
- Social Services
- General Government
- Budget & Finance
- Public Safety
- Public Works
- Environmental Quality
- Economic Development

Proposed Committees



Proposed Committees



Proposed Committees

Budget & Finance: 10 Members
(At-Large, Committee Chairs)

Others: 5 Members

Committee Assignments

CURRENT		PROPOSED	
4 Standing Committees (10 ea)	40	Budget & Finance	10
Partner Agency Oversight	6	7 Standing Committees (5 each)	35
Water Resources Oversight	7		
TOTAL	53		45

Committee Assignments Per Councilmember

CURRENT		PROPOSED	
Committees Per Member		Committees Per Member	
2	3	3	15
3	3		
4	8		
6	1		

Monthly Meetings per Councilmember

	CURRENT	PROPOSED
Committees	2-6	3
Work Session	4	2
Council Meetings	2	2
TOTAL	8-12	7

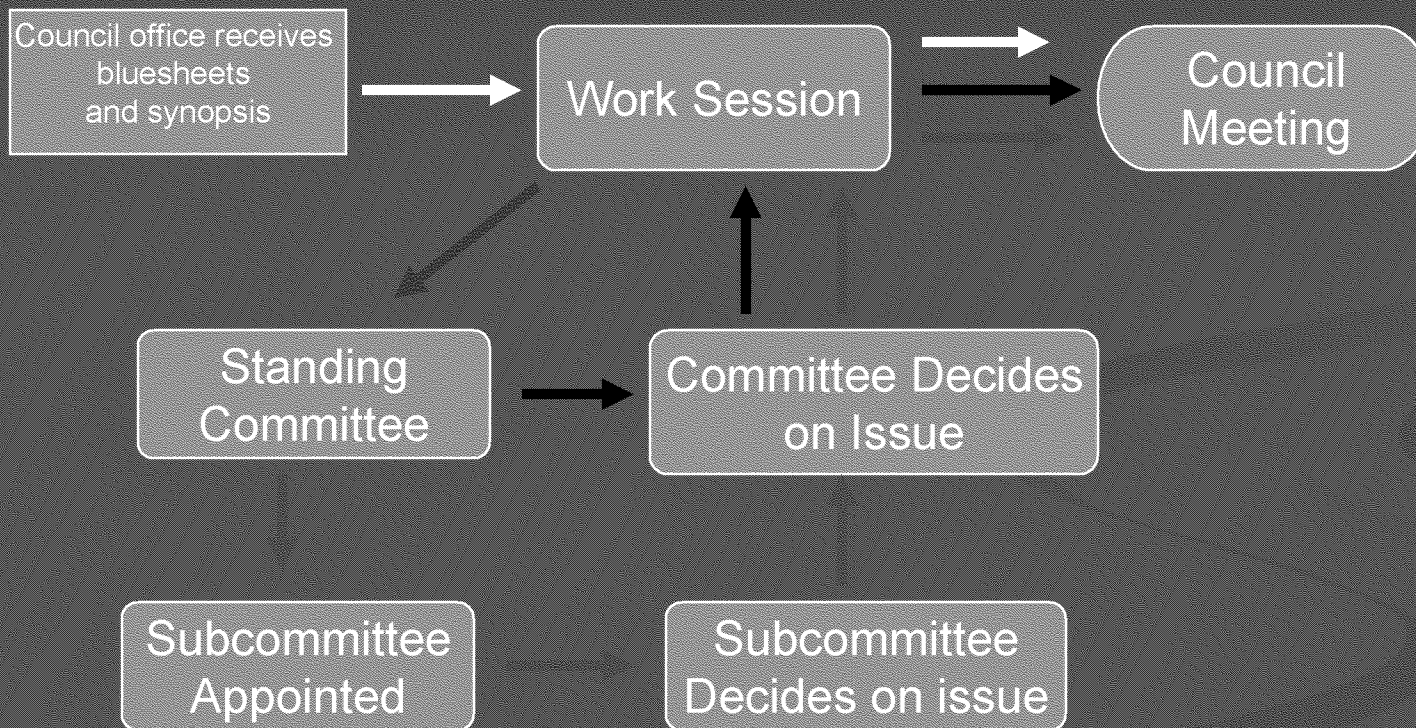
Schedule

- Committee A: 11:00 AM
- Committee B: 1:00 PM
- Work Session: 3:00 PM
 - Off days could be used for Council Workshops, ad hoc committees, or special meetings of committees as needed

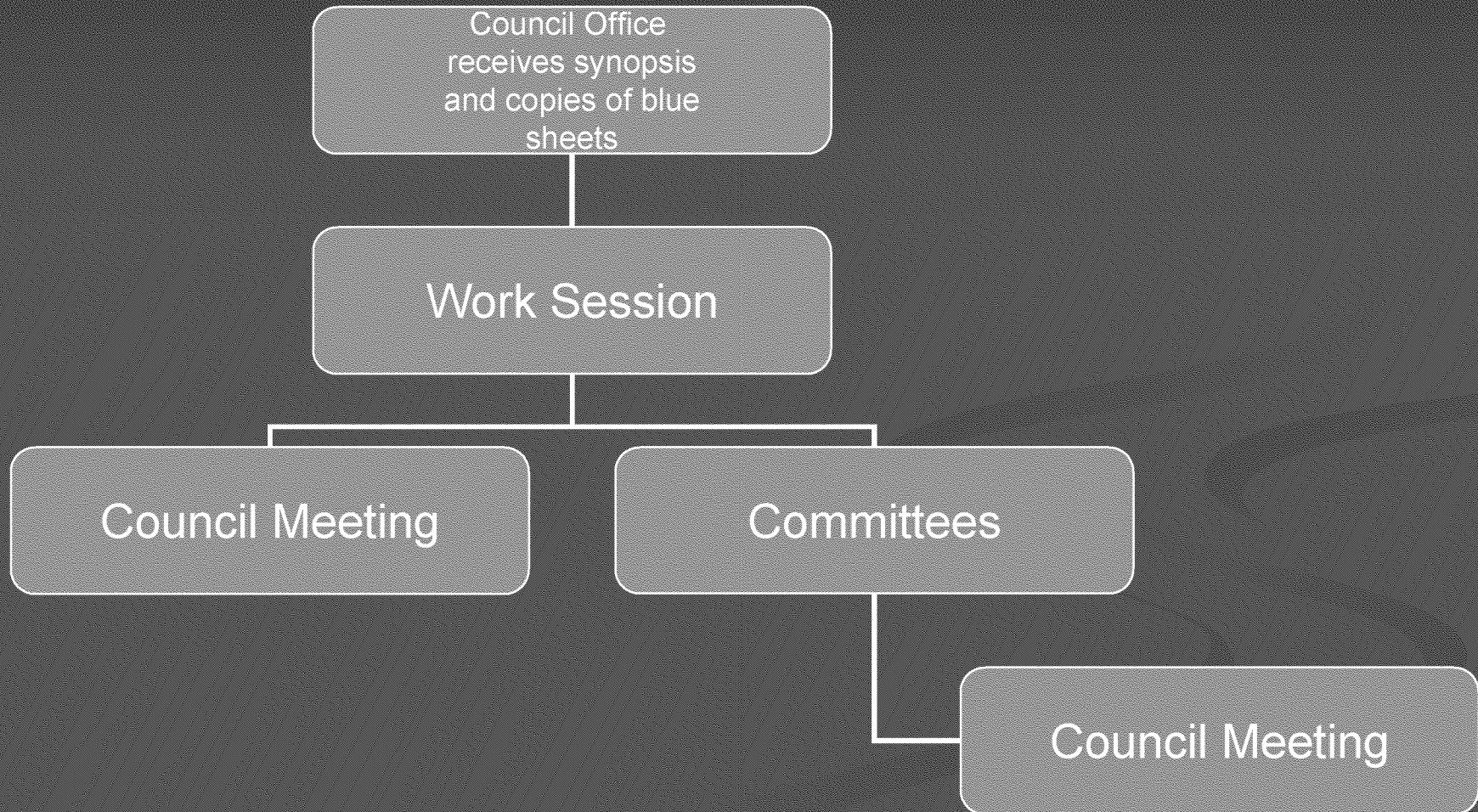
Sample Schedule

Mon	Tues	Wed	Thurs	Fri
	11:00 Social Services 1:00 Planning and Zoning 3:00 <i>open</i>			
	11:00 General Government 1:00 Public Safety 3:00 Work Session		7:00 Council Meeting	
	11:00 Public Works 1:00 Environmental Quality 3:00 <i>open</i>			
	11:00 Budget and Finance 1:00 Economic Development 3:00 Work Session		7:00 Council Meeting	

Current Workflow



Work Flow



Staffing

Current Committees

	Staff	Summaries	Granicus
Budget & Finance	Southers	Steele	Steele
Intergovernmental	Schoninger	Steele	Steele
Planning	Schoninger	Steele	Steele
Services	Schoninger	Settles	Settles
Work Session	Langston/ Williams	Williams	Williams

Proposed Staffing

- One core staff per committee
- Council Administrator supervises
- Core/Admin Workgroup should continue working on staffing needs.

Staffing

Proposed Committees

Schoninger	Southers	Steele	Williams
Planning	Budget & Finance	Social Services	Work Session (2)
Environmental Quality	Economic Development	Public Safety	
Corridors**	General Government	Public Works	

Work Session

- Chaired by Vice Mayor
- Councilmembers place items on agenda
- Committee Reports

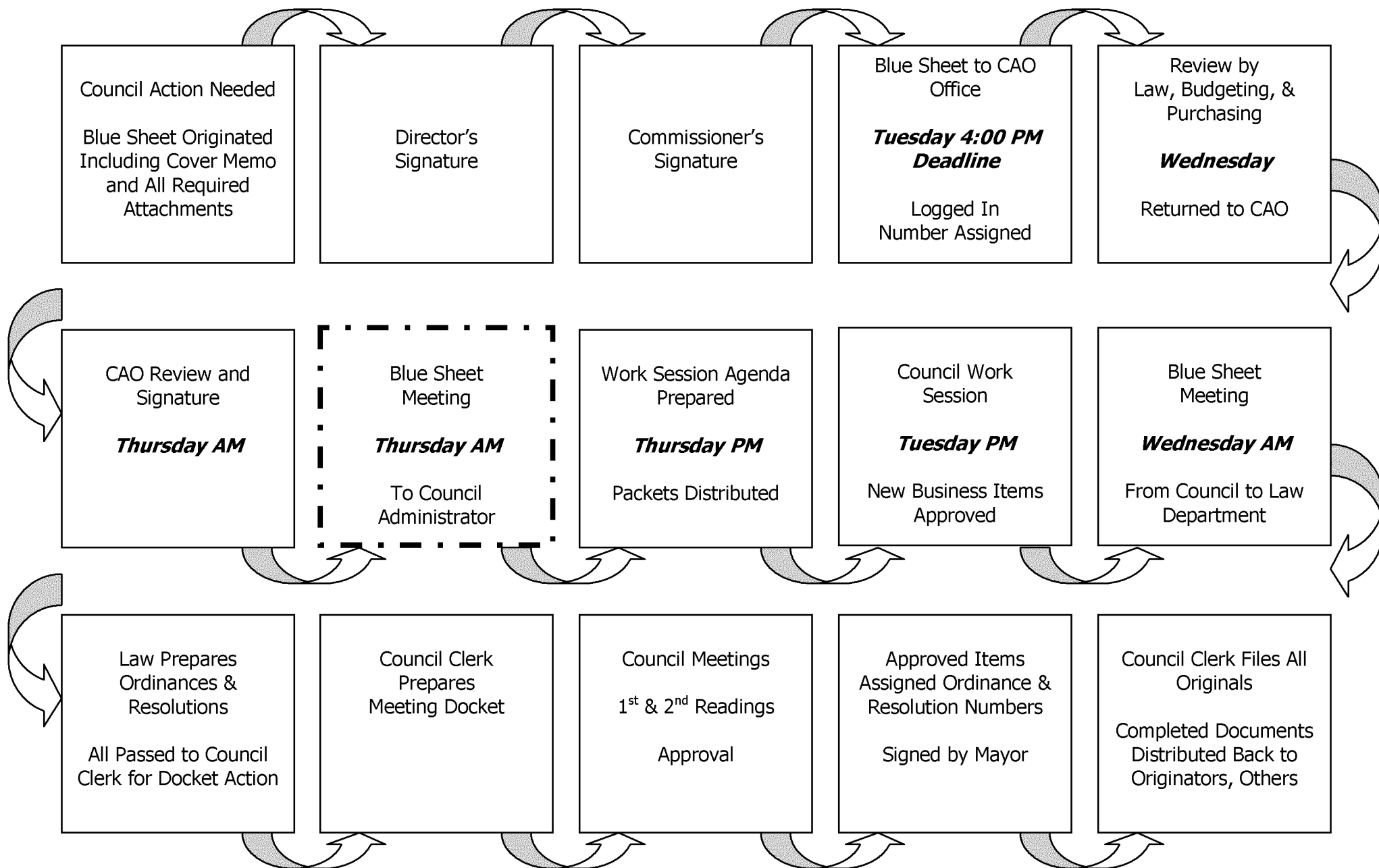
Docket

- Includes:
 - Zone changes
 - Communications from Mayor
 - Budget Amendments
 - “Blue Sheet” items (directly to docket)

Docket

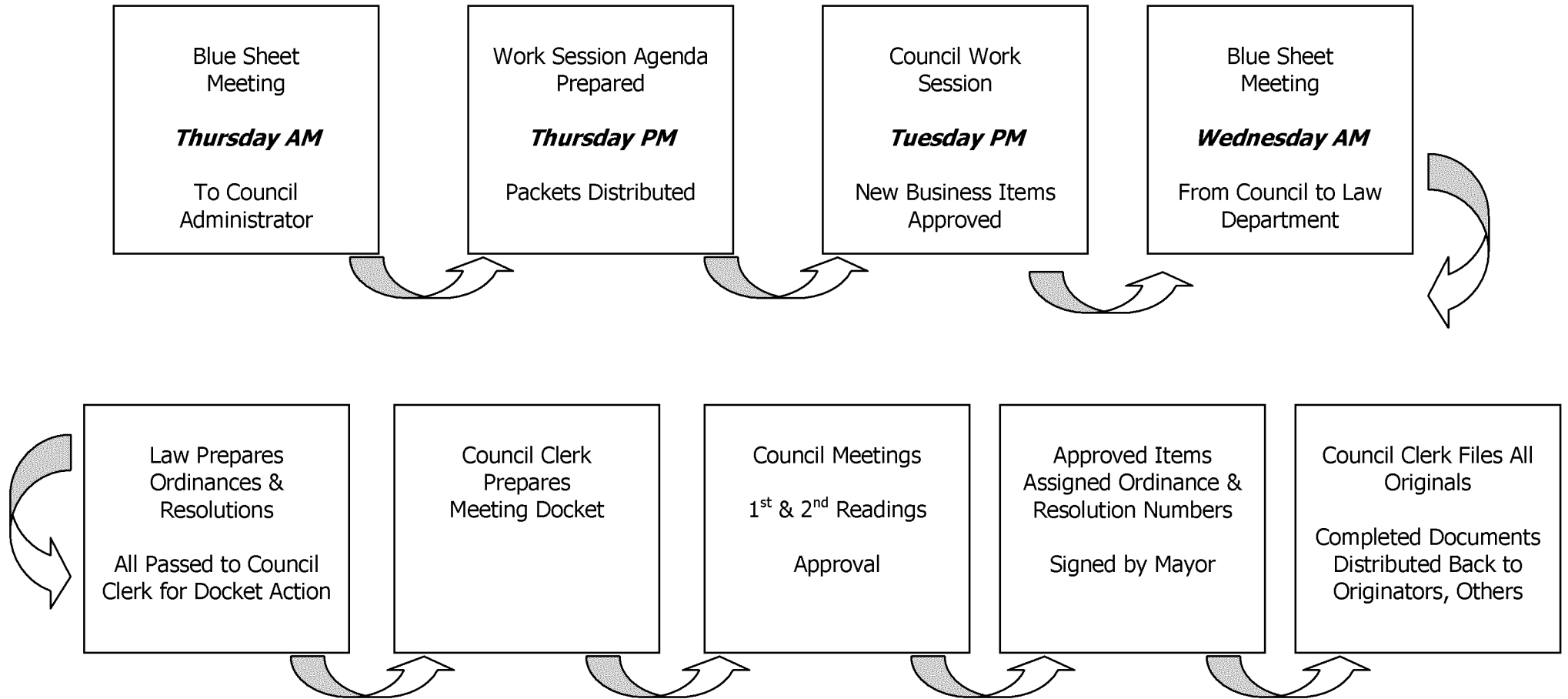
- Reviewed at work session
 - Not approved
- Individuals items added to “New Business” for discussion
- Recommend a motion to amend or remove item
 - Motion made at Council Meeting

Blue Sheet Flow Chart



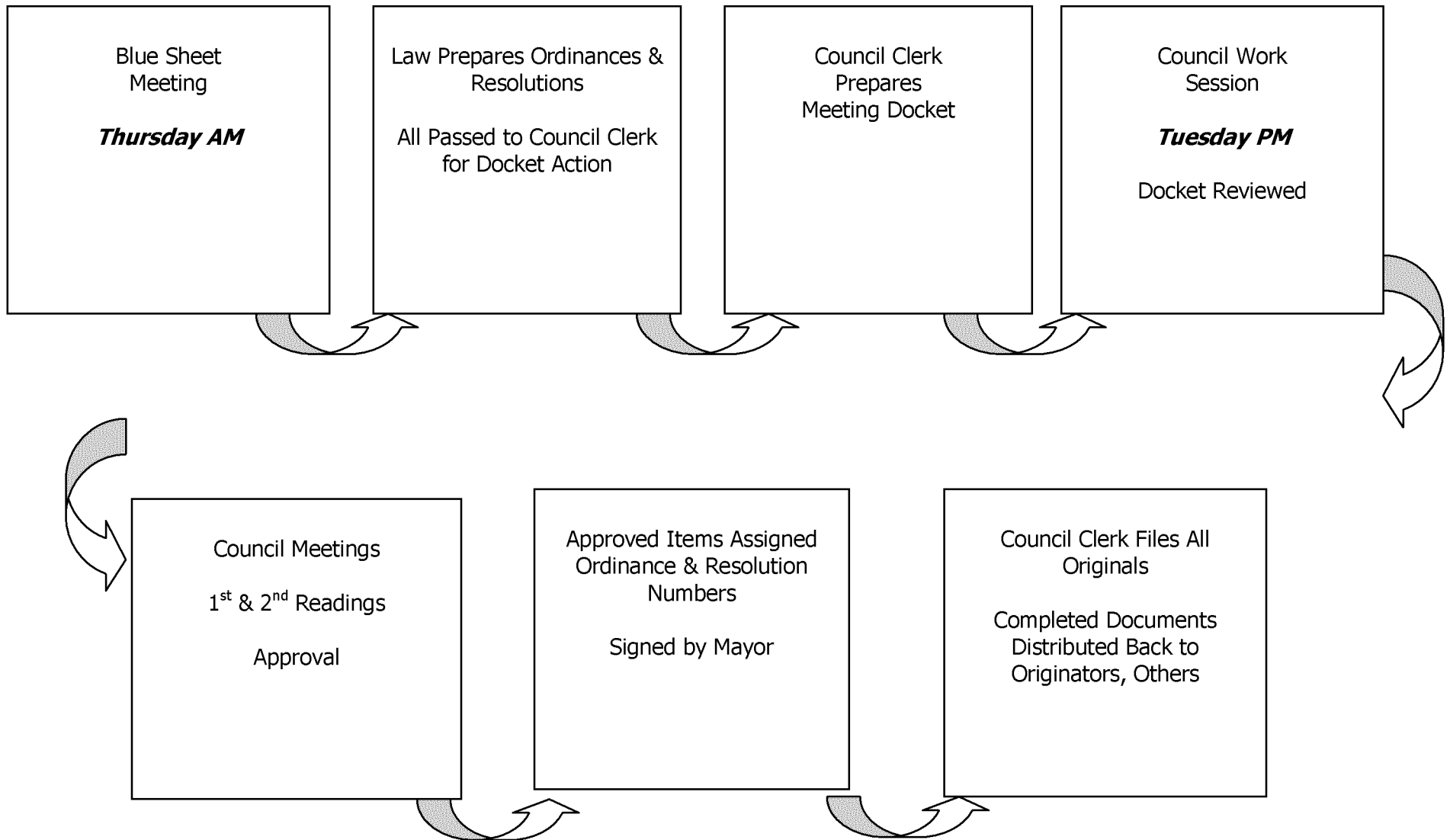
Blue Sheet Flow Chart

ABBREVIATED
CURRENT



Blue Sheet Flow Chart

Proposed **Abbreviated**



RESOLUTION NO. ____-2010

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 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 _____, 2010.

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~~ **councilmembers**, the vice-mayor shall make appointments to the standing committees, as required by these rules. **Each councilmember shall serve on three standing committees. If necessary after committee chairs have been selected, the Vice Mayor shall adjust appointments only as needed to comply with this rule.**

The planning **and zoning**, ~~[intergovernmental and services]~~ **social services, general government, public safety, public works and development, economic and community development, 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 (10) councilmembers, as follows: The three (3) at-large councilmembers, and the chairmen of the ~~[planning, intergovernmental and services]~~ **standing** committees, and ~~[four (4)]~~ **one** district councilmember[s] appointed in accordance with rule 2.404; 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 a 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, and any related partner agencies.** ~~[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 the Department of Social Services and its divisions, and any related partner agencies.

(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 200 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; and any related partner agencies.**

(4) Budget and finance committee, to which ~~[should]~~ **shall** be referred matters relating to **the Department of Finance and Administration and its divisions, and any related partner agencies, 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, and any related partner agencies.

(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, and any related partner agencies.

(8) Economic and Community Development committee, to which shall be referred matters relating to the Division of Community Development, the Office of Economic Development, related partner agencies, and other matters relating to Economic Development.

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. The schedule shall provide for no less than six regular meetings of each committee.**

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 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.

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

(a) The urban county council shall meet at the dates and times specified in a schedule of meetings adopted annually by the council by ordinance, in the council chamber on the second floor of the Lexington-Fayette Government Center, for purposes of conducting a work session. Action taken by the urban county council at a work session is procedural in nature. A quorum for work sessions shall consist of not fewer than eight (8) of the fifteen (15) members of the council. **The work session shall be chaired by the Vice Mayor in the same manner provided in Section 2.105 of these rules.** The following order of business shall apply for work sessions of the urban county council:

I. Public comment - agenda items only

II. Approval of summary.

~~[[H] III. *Requested rezonings/docket **review** 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.]~~

~~[III. — Approval of summary.]~~

~~IV. *Budget amendments.~~

~~IV. New business.~~ **Agenda items referred from Councilmembers**

~~V[1]. Continuing business/ committee reports.
[presentations.*]~~

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

~~VI[1]. Council report.~~

~~VIII. Mayor's report.~~

~~[IX]~~ **VII.** Public comment.

(b) The work session 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) The work session 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 session.

(d) At the work session, 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) ~~Refer it to~~ **Recommend a motion be made to place it on** the docket of an official council meeting; **or**

~~(d) Remove or defeat; or~~

(e) No action; received as information.

(e) At the work session preceding an official council meeting, the council shall also review ~~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;~~

~~(21) Zoning amendments;~~

~~(32) Acceptance or rejection of bids;[-and]~~

~~(43) Communications from the mayor[-];~~

(4) Items referred from the mayor;

(5) Items referred from Officers and employees via the administrative review procedure which require the knowledge and consent of the mayor; and

(6) Budget Amendments.

(f) During review of the docket, upon the request of any Councilmember, any individual item appearing on the docket for "first reading" shall be added to "New Business" for additional discussion. After discussion of each such item, the Council may:

(a) Direct a council committee to review the matter

(b) Request action, report or a recommendation from the administration and/or;

(c) Recommend a motion to remove the item from the docket at the official council meeting.

~~**(g)** In the case of a requested rezoning, the council shall during work session decide whether to follow the planning commission's recommendation without a hearing; to review the planning commission record and 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.~~

~~(g) 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.~~

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

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

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

X:\Cases\CO\08-CC1846\LEG\00238835.DOC