

General Government Committee

Ed Lane – Chair – 12th

Jay McChord – Vice Chair – 9th

Linda Gorton – Vice Mayor

Steve Kay – At Large

Chris Ford – 1st

Diane Lawless – 3rd

K. C. Crosbie – 7th

George Myers – 8th

Doug Martin – 10th

Peggy Henson – 11th

Staff

Scott Seymour – (258-3221)

AGENDA

GENERAL GOVERNMENT COMMITTEE

September 13, 2011

10:00 A.M.

1. General Services Link Recommendations to General Government Committee (1-9)
Director of Facilities and Fleet Management Jamshid Baradaran
Director of Division of Parks and Recreation Jerry Hancock
2. Graffiti/Trash Abatement in Parks
Director of Division of Parks and Recreation Jerry Hancock
3. Resolution(s) to Amend Section 3.101 of the Council Rules (10-15)
Managing Attorney Glenda George
4. Items in Committee (16)

“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; each department’s respective divisions; and, any related partner agencies.” –Council Rules & Procedures, Section 2.102 (1). Effective January 1, 2011; Adopted by Urban County Council October 14, 2010.

Committee Schedule 1:00 PM except noted

February 1, 2011

March 22, 2011 – 3:00 PM

April 12, 2011

June 7, 2011

August 16, 2011

September 13, 2011

October 11, 2011

November 15, 2011

Item	Category	Information	Recommendation	Summary Update	Provided By
1	Facilities - annual maintenance	The city has historically acquired property without budgeting appropriate maintenance for this property.	Matter should be referred to General Government Committee to develop a plan to include funding for building maintenance in the FY 2013 budget	Attached are the initiatives currently under consideration and discussions internally. These proposed initiative are to address such issues as CIP process/procedures, funding for deferred maintenance projects and proposing BMPs regarding the preventive maintenance of all LFUCG structures/systems.	Jamshid Baradaran
2	Facilities - capital improvements	Many of LFUCG buildings are in desperate need of repair and renovation.	Matter should be referred to General Government Committee to develop a plan to include funding for repair and renovation in the FY 2013 budget		
3	Facilities - software	The database of LFUCG property is currently being maintained on an excel spreadsheet. It would greatly benefit property management to have real estate software.	Matter should be referred to General Government Committee; Commissioner should present a proposal for acquisition of real estate management software by December 1, 2011	Currently under review are two software systems for potential purchase/lease and implementation by mid FY2013. The IT group will need to review and approve the proposed software as to eliminate any potential issues with the current system/network. The anticipated timeframe for the selection, advertisement, award/purchasing, implementation, testing and training is approximately 18 months.	Jamshid Baradaran
4	Facility - usage	LFUCG does not have a good policy in place to evaluate the best and highest use of its property.	Matter should be referred to General Government Committee to develop policy. Policy should be reviewed once a year before the budget process.	Attached is a copy of the proposed processed map as well as pertinent forms. The DGS proposed that the Council review and approve a resolution/ordinance which would enact the proposed policy.	Jamshid Baradaran
5	Fleet - vegetable oil pilot program	Many vehicles are now using vegetable oil, which is free, as fuel.	Matter should be referred to General Government Committee to determine the efficacy of such a pilot program	The biodiesel currently used in our heavy fleet contains either soy beans or french fry oil that has gone through a transesterification process or blending. By statute (KRS 363.904), all motor fuels sold in the Commonwealth must meet American Society for Testing and Materials (ASTM) standards for that grade of fuel. The B-5 blend currently used falls under the D-7467 standard for biodiesel blends due to ASTM test method reproducibility allowances. Smaller amounts blended below 5% would be discounted because of the very limited effect on the fuels quality. The Kentucky Department of Agriculture is responsible for testing fuel for compliance with the ASTM standards. Any blend between 20 and 100 percent is illegal per those standards.	Jamshid Baradaran
6	Parks - Acquisition Fund	There is a Parks Acquisition Fund funded by a fee on building permits in the original USB. There is approximately \$1 million in this fund.	Matter should be referred to General Government Committee to determine how money is being and should be used, possibly in conjunction with a Parks Conservancy.	Review of program will be presented in November 2011, along with recommendations.	Jerry Hancock
7	Parks - annual maintenance	The city has historically acquired property without budgeting appropriate maintenance for this property. For instance, it will take @ \$40,000 to maintain the Legacy Trail.	Matter should be referred to General Government Committee to develop a plan to include funding for park maintenance in the FY 2013 budget	The maintenance of green ways and trails and streetscape being addressed by Environmental Quality Committee on 9/20/11, which will address greenway acquisition and maintenance. Building/Facility maintenance part of # 1 and #2 above.	Jerry Hancock
8	Parks - aquatic plan	The city does not have a plan for evaluation of the use of the pools, what pool upgrades are needed, and how to utilize the property to benefit the community if the pool is closed.	Matter should be referred to General Government Committee; Parks should present an aquatic plan by December 1, 2011	Aquatic Master Plan Update of Council approved 1994 Aquatic Plan is planned for December 2011. It will include local/national trends, citizen survey and peer city comparisons and 10 year plan	Jerry Hancock

9	Parks - capital improvements	Parks needs money for repair and renovation.	Matter should be referred to General Government Committee to develop a plan to include funding for repair and renovation in the FY 2013 budget	Parks repairs budget was reduced by \$250,000 in FY 12. Ongoing maintenance of structures should be included in Capital Maintenance recommendations with Facilities and Fleet presentation in #1 and #2 above in Facilities and Fleet recommendation.	Jerry Hancock
10	Parks - Conservancy	Parks need money for renovation and maintenance. Many cities have a Parks Conservancy which is a public/private partnership.	Matter should be referred to General Government Committee; Parks should present a plan for a Parks Conservancy by December 1, 2011 possibly including use of the County Clerk money.	Parks Advisory Board along with Council Parks Funding Sub Committee has discussed idea at length and recommends a separate non-government entity. Steering Committee being formed, which will present its governance and by-laws to Council for information.	Jerry Hancock
11	Parks - Expansion Fund	There is an Expansion Fund funded by money generated by fees in the expanded USB. Part of this money is used for park acquisition.	Matter should be referred to General Government Committee to determine how money is being and should be used, possibly in conjunction with a Parks Conservancy.	There is an Exaction Fee program, managed by Div of Planning, that provides funds for purchase of park land in selected areas in conjunction with sub-division development. An explanation of the program will be provided in February 2012 with Div of Planning.	Jerry Hancock
12	Parks - Golf Course Mgmt	The golf courses show a significant decrease in use in the winter months. There is an opportunity for efficiency in evaluating closing those courses during the winter months or on certain days. There are also revenue opportunities that are being underutilized.	Matter should be referred to General Government Committee; Parks should present a plan for golf course management by December 1, 2011	Presentation of Parks' Golf Master Plan is planned for December 2011. Parks does not currently have a golf master plan. It will include a financial and historical summary, peer city review, survey data, operations improvement plan	Jerry Hancock

CIP

The Division of Facilities & Fleet management and the Finance Department are currently working on a CIP process map which would establish a BMP which should address the shortcomings of the current system. The new process will identify all phases of CIP from initial scope to Life Cycle Cost analysis. The FY2013 has been identified as a target year to incorporate a few of the proposed enhancements and modifications and we hope to have the new process fully implemented by FY2014.

Deferred Maintenance Funding

The City is currently facing a 5 year deferred maintenance project list exceeding \$27M. The recent and proposed future sale of assets should reduce the financial burden but a long term strategy is needed in order to minimize the size/number of the deferred maintenance projects.

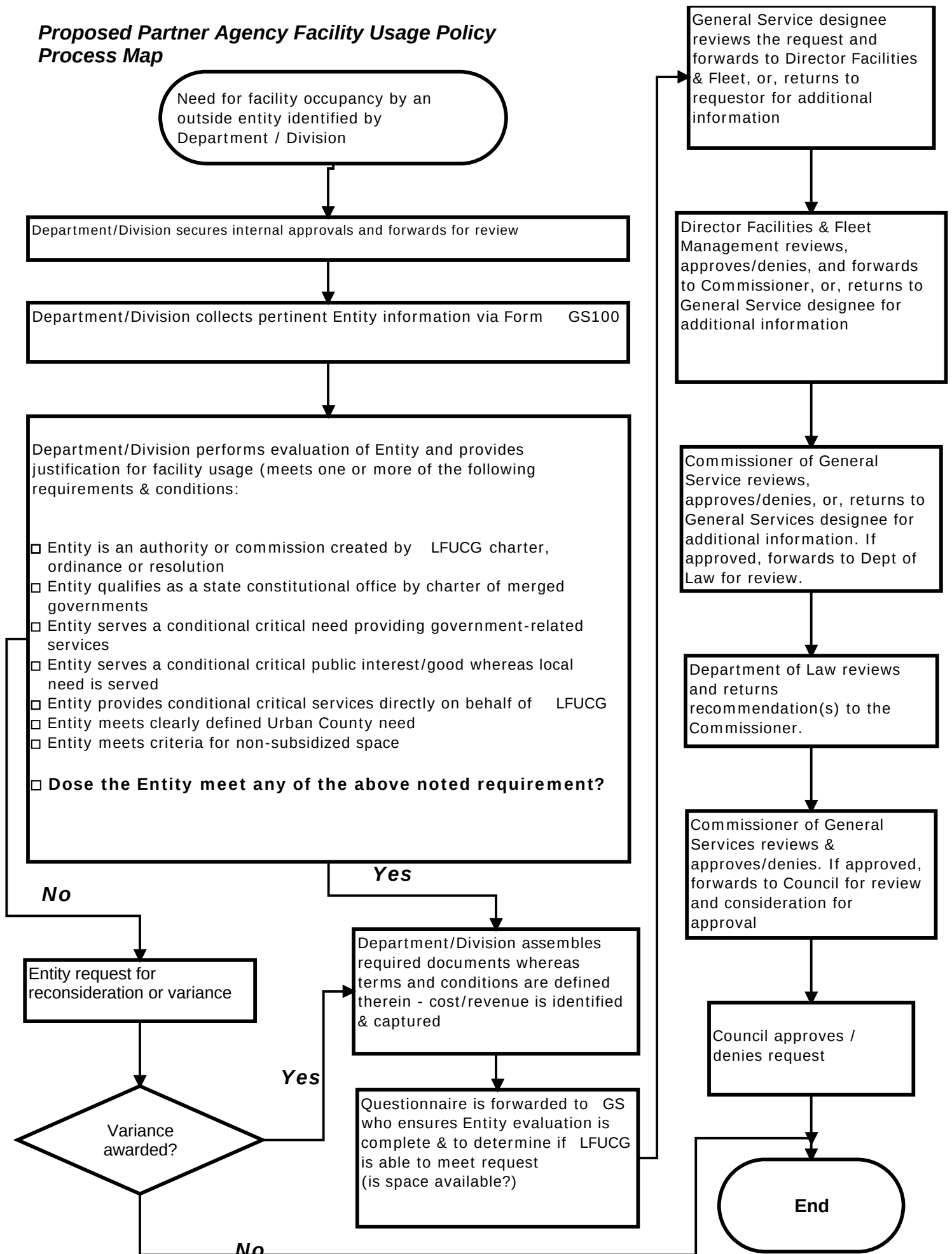
Annual General Maintenance

The Division is currently compiling a facility maintenance/CIP model which will provide short/mid/long term needs of each facility/structure as well as associated costs. The primary focus will be the facility envelop (primarily roofs), HVAC, and Life/Safety related needs. The following is the proposed timeline:

- Model completed by the end of 2011
- Implementation of the model for all facilities by 3rd quarter 2012
- Short/mid/long term plan implementation by mid 2013

We will be working closely with the Finance Department to make sure that they are involved with the task of establishing priorities.

Proposed Partner Agency Facility Usage Policy Process Map



QUESTIONNAIRE – FACILITY OCCUPANCY**CAUTION: Steps 1, 2 & 3 must all be completed in order to process request.****STEP 1 – ENTITY**

Name: _____
 Address: _____
 Designation (check one): ☐ For – Profit ☐ Non – Profit
 If Non – Profit, provide details (type & documentation): _____
 Federal Tax ID Number: _____
 Overview (list ALL services provided): _____

Contact Name: _____
 Contact Number(s): (Office) _____ (Cell) _____ E-mail: _____
 Occupancy type: ☐ Permanent-full time ☐ Permanent-part time ☐ Temp-full time ☐ Temp-part time

STEP 2 – EVALUATION**Department making request:**

- ☐ Environmental Quality & Public Works & Development
☐ Finance & Administration
☐ General Services
☐ Law
☐ Public Safety
☐ Social Services

Required attachments included (select appropriate type):

- ☐ Proposed Lease/Contract
☐ Proposed Ordinance
☐ Proposed Resolution
☐ Proposed MOU or Interlocal Agreement
☐ Proposed Facility Usage Agreement

Terms of agreement defined within attachment (maximum 5-year term):

- ☐ One year ☐ Two year ☐ Three year ☐ 4 or 5 yr (specify _____)

Estimate of annual cost / revenue identified & captured:☐ YES ☐ NO

If No, explain: _____

Rental: (Annual rate defined - see Definitions) ☐ \$4.00 psf ☐ \$6.00 psf ☐ \$8.00 ☐ Market Rate**Initiation of Request:**

- | | | |
|---|-----------------------------------|----------------------|
| ☐ Requestor | Name & Title: _____ | Date: ____/____/____ |
| ☐ Approval (____) initials | Title: Director / Deputy Director | Date: ____/____/____ |
| ☐ Approval (____) initials | Title: Commissioner | Date: ____/____/____ |

Step 3 – REVIEW

- | | | |
|---|-----------------|----------------------|
| ☐ General Service designee | (____) initials | Date: ____/____/____ |
| ☐ Director Facilities & Fleet Management | (____) initials | Date: ____/____/____ |
| ☐ Commissioner General Services (1 st) | (____) initials | Date: ____/____/____ |
| ☐ Department of Law | (____) initials | Date: ____/____/____ |
| ☐ Commissioner General Services (Final) | (____) initials | Date: ____/____/____ |

Funding Evaluation for Fully Subsidized Space

- ☐ Entity meets Urban County need – other funding options **ARE NOT** available (if yes, complete Sections 1 and 2 below) ☐ YES ☐ NO
- ☐ Entity meets Urban County need – other funding options **ARE** available (if yes, skip to Section 3 “Funding Evaluation for Partially Subsidized Space”) ☐ YES ☐ NO
- ☐ Entity will be: ☐ Permanent – Full Time ☐ Permanent – Part Time
☐ Temporary – Full Time ☐ Temporary – Part Time

LEGAL REQUIREMENTS

Section 1

SELECT YES TO ONLY ONE CATEGORY IN THIS SECTION (IF FULLY SUBSIDIZED):

- ☐ 1.a. – Entity is an authority or commission that was created by LFUCG charter, ordinance, or resolution and requires full funding of space by LFUCG ☐ YES ☐ NO
- ☐ 1.b. – Entity qualifies as a state constitutional office as defined by charter of the merged government and requires full funding of space by LFUCG ☐ YES ☐ NO
- ☐ 1.c. – Entity and LFUCG are parties to an agreement whereas facility funding is required by contract or resolution (other than a PSA) ☐ YES ☐ NO

CONDITIONAL CRITICAL NEED

Section 2

SELECT YES TO ONLY ONE CATEGORY IN THIS SECTION (IF FULLY SUBSIDIZED):

- ☐ 2.a. – Entity serves a Conditional Critical Need whereas governmental-related services are provided, ongoing usage is dependant upon occupant success, and guidelines have been developed to define expectations and measure results ☐ YES ☐ NO
Provide a detailed description of the Conditional Critical Need served:

- ☐ 2.b. – Entity serves a Conditional Critical Public Interest/Good whereas local needs are met, ongoing usage is dependant upon occupant success, and guidelines have been developed to define expectations and measure results ☐ YES ☐ NO
Provide a detailed description of the Conditional Critical Public Interest/Good served:

- ☐ 2.c. – Entity provides Conditional Critical Services directly on behalf of LFUCG whereas ongoing usage is dependant upon occupant success and guidelines have been developed to define expectations and measure results ☐ YES ☐ NO
Provide a detailed description of the Conditional Critical Services provided directly for LFUCG:

SELECT ALL THAT WILL BE FUNDED BY LFUCG:

- ☐ 2.d. – LFUCG will provide ☐ base rent ☐ electricity ☐ natural gas
☐ water ☐ sewer ☐ landfill ☐ WQMF ☐ custodial ☐ maintenance
☐ sprinkler ☐ fire ☐ phone ☐ cable ☐ ground care ☐ other (_____)

EXPENDITURE BUDGETED ☐ YES ☐ NO ESTIMATE OF ANNUAL BUDGET IMPACT \$ _____

Funding Evaluation for Partially Subsidized Space

Section 3

☐ Entity meets Urban County need – other funding options **ARE** available ☐ YES ☐ NO

☐ Entity will be: ☐ Permanent – Full Time ☐ Permanent – Part Time
☐ Temporary – Full Time ☐ Temporary – Part Time

CONDITIONAL CRITICAL NEED

SELECT YES TO ONLY ONE CATEGORY IN THIS SECTION (IF ANY ARE APPLICABLE):

☐ **3.a. – Entity serves a Conditional Critical Need whereas governmental-related services are provided, ongoing usage is dependant upon occupant success, and guidelines have been developed to define expectations and measure results** ☐ YES ☐ NO

Provide a detailed description of the Conditional Critical Need served:

☐ **3.b. – Entity serves a Conditional Critical Public Interest/Good whereas local needs are met, ongoing usage is dependant upon occupant success, and guidelines have been developed to define expectations and measure results** ☐ YES ☐ NO

Provide a detailed description of the Conditional Critical Public Interest/Good served:

☐ **3.c. – Entity provides Conditional Critical Services directly on behalf of LFUCG whereas ongoing usage is dependant upon occupant success and guidelines have been developed to define expectations and measure results** ☐ YES ☐ NO

Provide a detailed description of the Conditional Critical Services provided directly for LFUCG:

☐ **3.d. – Entity meets clearly defined Urban County need** ☐ YES ☐ NO

- | | |
|--|---------------|
| ☐ Entity is a Commission | define: _____ |
| ☐ Entity is an Authority | define: _____ |
| ☐ Entity is a Park-related Activity | define: _____ |
| ☐ Entity is an Art-related occupant | define: _____ |

ENTITY EXPENSE

SELECT ALL THAT WILL BE FUNDED BY ENTITY:

☐ **3.e. – Entity will pay (LFUCG or Provider):**

☐ water	☐ sewer	☐ landfill	☐ base rent	☐ electricity	☐ natural gas
☐ sprinkler	☐ fire	☐ phone	☐ WQMF	☐ custodial	☐ maintenance
			☐ cable	☐ ground care	☐ other (_____)

SELECT ALL THAT WILL BE FUNDED BY LFUCG:

☐ **3.g. – LFUCG will provide**

☐ water	☐ sewer	☐ landfill	☐ base rent	☐ electricity	☐ natural gas
☐ sprinkler	☐ fire	☐ phone	☐ WQMF	☐ custodial	☐ maintenance
			☐ cable	☐ ground care	☐ other (_____)

EXPENDITURE BUDGETED ☐ YES ☐ NO

ESTIMATE OF ANNUAL BUDGET IMPACT \$ _____

ENTITY INSURANCE

SELECT ALL THAT WILL BE FUNDED BY ENTITY:

☐ **3.f. – Entity will provide:**

☐ building	☐ contents		
☐ casualty	☐ health	☐ worker comp	☐ other (_____)

FORM NO GS-100

Evaluation for Non-Subsidized Space

Section 4

 Entity meets qualifications for Non-Subsidized space ☐ YES ☐ NO

 Entity will be: ☐ Permanent – Full Time ☐ Permanent – Part Time
☐ Temporary – Full Time ☐ Temporary – Part Time

ENTITY TYPE

SELECT YES TO ONLY ONE CATEGORY IN THIS SECTION (IF ANY ARE APPLICABLE):

 **4.a. – Entity is a non-LFUCG governmental occupant (ie Federal/State related) whereas funding IS NOT required by law (charter, ordinance or resolution)** ☐ YES ☐ NO
o If no, return to “Fully Subsidized” or “Partially Subsidized” evaluation sections
Provide a detailed description of occupant and proposed space utilization:

 **4.b. – Entity is an outside agency whereas LFUCG funding IS NOT required by law (charter, ordinance or resolution)** ☐ YES ☐ NO
o If no, return to “Fully Subsidized” or “Partially Subsidized” evaluation sections
Provide a detailed description of occupant and proposed space utilization:

 **4.c. – Entity is a “For Profit” occupant** ☐ YES ☐ NO
Provide a detailed description of occupant and proposed space utilization:

AGREEMENT TYPE

 **4.d. – This is a new agreement (If yes, select type below):** ☐ YES ☐ NO
☐ Contract
☐ MOU
☐ Interlocal
☐ Facility Usage
☐ Professional Services
Provide a detailed description of occupant and proposed space utilization:

 **4.e. – Entity is an employee of LFUCG whereas facility occupancy is exchanged for services provided (full or partial payment)**
Provide a detailed description of occupant and agreement/proposed space utilization:

 **4.f. – Entity is associated with an existing/ongoing agreement that is being reviewed for action.**
Provide a detailed description of occupant and agreement (contract #, resolution, etc.):

 **4.g. – ESTIMATE OF ANNUAL LFUCG REVENUE/LOSS: \$_____**

DEFINITIONS

Authority: Group created by LFUCG with the right or power to enforce rules or give orders and act on behalf of others with official permission to do so

Charter: Statement of rights and responsibilities as a formal written document describing the Lexington Fayette Urban County Government and its resident requirements that incorporates formal document of merger of county and city governments

Commission: Group created by LFUCG with people authorized to carry out a duty, task, or job given with an order to produce a particular product or piece of work

Conditional: Dependent on something else being done or will happen only if and when another thing is done or happens whereas condition or limitation exists

Constitutional Office: Official office whereas local government is required to maintain by order of state government

Critical: Matter determined to be extremely important due to timing whereas circumstances could quickly get either worse or better and matter has been analyzed in a detailed way in order to have success or achieve a goal

- Clearly defined goals have been established
- Clearly defined timelines have been identified
- Evaluations are conducted & progress monitored for compliance as outlined within the agreement
 - o Expectations are met, or
 - o Consequences are defined and adhered to whenever they are not
- Conditional language provides for immediate opportunity for change
 - o No longer critical
 - o Results do not meet expectation
 - o Change in operation modifies expectation

Public Interest/Good: Common general benefit of the public whereas local need is served

- Local need is met and readily identified service is provided

Rental: Annual rate compensated LFUCG for occupancy.

- \$4.00 psf – Minimum rate per square foot that will be paid by existing tenants during the first (1st) year of the transition period (July 1, 2011 thru June 30, 2012)
- \$6.00 psf – Minimum rate per square foot that will be paid by existing tenants during the second (2nd) year of the transition period (July 1, 2012 thru June 30, 2013)
- \$8.00 psf – Minimum rate per square foot that will be paid by existing tenants during the third (3rd) year of the transition period (July 1, 2013 thru June 30, 2014); **MINIMUM RATE** that will be paid by **ALL NEW OCCUPANTS**.
- Market rate – Rate to be paid by **ALL NON-SUBSIDIZED** occupants as determined by evaluation results.

Items listed require that follow-up documents sent to Council Clerk
RESOLUTION NO. _____-2011

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 _____, 2011.

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;

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

(c) 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;

(d) Execution of Easement Releases and Encroachment Agreements;

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

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

(g) 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.

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

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:

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DRAFT

DRAFT
9/8/2011

RESOLUTION NO. _____-2011

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 _____, 2011.

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) Executing and submitting grant applications except as required; and

(c) 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:

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MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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General Government Committee Items

<u>Item</u>	<u>Referred By</u>	<u>Date Referred</u>	<u>Status</u>
Franchise Agreements	Ellinger	1-13-11	3-22-11
Review of Citizens Advocate Position	Blues	1-27-11	4-12-11
General Services Link Recommendations To General Government Committee	Kay	8-05-11	8-16-11/9-13-11
Resolution(s) To Amend Section 3.101 of The Council Rules	Lane	8-05-11	9-13-11
Graffiti/Trash Abatement in Parks	Myers	8-15-11	9-13-11