Moloney
James
Gray
Blues
DeCamp
Beard
Stinnett
Crosbie
Myers
Blevins

INTER-GOVERNMENTAL COMMITTEE

November 13 2007
1:00 P.M.

A G E N D A

Review Boards & Commissions - Myers (1-4)

Financial Disclosure Requirements of Boards & Commissions - Myers (5-16)

Update on Committee Items (17)

"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)

1

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL
Memorandum

TO: George Myers, Councilmember
8th District

FROM: Paul Schoninger
Staff to Council

DATE: November 4, 2007

SUBJECT: Boards & Commissions Background

This memo is to provide background on LFUCG boards & commissions. You were interested in several aspects of the boards including identification of any board that could be eliminated and which boards should adhere to the Ethics Act disclosure requirements Section 25-13 (3) of the Code.

I will attempt to address the first question in this memo and the second question about financial disclosure in a companion memo. In separate memos I have addressed your questions re the Planning Commission.

Boards provide the Government, particularly the Mayor & Council valuable volunteer expertise that probably could not been obtained internally. In addition it allows citizens to feel a part of the community through volunteer service.

There are at least eight-hour (84) boards and commissions authorized by the LFUCG. These have been authorized by the Charter or by the Council via ordinance or resolution. Others are required by Federal or State regulation. Not included in this list are any ad hoc former by the Council, Mayor, or other office of the UCG.

I have attached a list of the eighty-four (84) boards, along with the fact sheets for each body. The fact sheet includes purpose, source, scope of authority and membership.

It is my understanding that earlier this year the new administration found the process of tracking boards and appointing board members unorganized and disjointed. Starting this past spring with the assistance of the Law Department they have re-drafted fact sheets for each board. They are approximately 75% completed with the fact sheets. When that process is completed they may come to the Council with recommendations regarding elimination, additions, or mergers of some of the boards.

I would recommend that the Council request that the Administration complete a systematic, comprehensive review of the boards; reviewing their respective purposes and to make recommendations regarding elimination, consolidation of any outdated or unnecessary boards.

George Myers, 8th District Councilmember
November 4, 2007
Boards & Commissions Background
Page Two

While it may be premature to identify boards to be eliminated there are several reasons why a board may be eliminated. These include change in priority, technology, or community need. Based on a cursory review of the list the following may be candidates for elimination or consolation: Arts Review Board; Bluegrass Crime Stoppers; Cell Tower Committee; Citizens Corps Council; Community Partnership Action Council; Contractor Review Board; County Parking Commission; Downtown Events Committee; Expansion Area Implementation Committee; Greenspace Commission; Horse Patrol Commission; Neighborhood Action Match Program Board; Sign Review Committee; and Telecommunications Advisory Committee.

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

Paul Schoninger
Staff to Council

C: Joseph Schuler

Board/Commission

Addressing Enforcement Board
Administrative Hearing Board Code Enforcement
Agricultural Extension District Board
Airport Board
Animal Care & Control Advisory Committee
Arboretum Advisory Committee
Arts Review Board
Black & Williams Center Advisory Board
Bluegrass Crime Stoppers
Board of Adjustment
Board of Architectural Review
Board of Health
CASA Advisory Board
Carnegie Literacy Center Board of Directors
Carver Neighborhood Center Board
Cell Tower Committee
Cemetery Board
Citizens Corps Council
City Employees Pension Fund Board
Civil Service Commission
Code Enforcement
Commission for Citizens with Disabilities
Commission on Housing & Support Services
Community Action Council
Community Partnership Action Council
Contractor Review Board
Convention & Visitors Bureau Board
Courthouse Area Design Review Board
Criminal Justice Commission
Detention Center Board
Domestic Violence Prevention Board
Downtown Development Authority
Downtown Events Committee
Dunbar Neighborhood Center Board
Emergency Medical Advisory Board
Environmental Commission
Environmental Hearing Board
Equal Employment Opportunity Board
Ethics Commission
Exaction Appeals Committee
Expansion Area Implementation Committee
Explorium of Lexington
Greenspace Commission

Board/Commission (cont)

Henry Clay Memorial Foundation
Historic Preservation Commission
Hope Center Board
Horse Patrol Commission
Housing Authority Board
Human Rights Commission
Industrial Revenue Bond Committee
Infrastructure Hearing Board
Internal Audit Board
Lexington Center Corp
Lexington Fayette County Parking Authority
Lexington History Museum Board
Library Board of Trustees
Library Board of Advisors
Masterson Station Park Advisory Board
Metro Employees Pension Fund Board
Neighborhood Action Match Program Board
Neighborhood Center Boards
One Parent Family Facility Board
Paris Pike Corridor Commission
Parking Authority
Parking Citation Enforcement Haring Board
Parks & Recreation Advisory Board
Partners for Youth Foundation Board
Picnic with the Pops Commission
Planning Commission
Police & Fire Retirees Fund Board
Public Facility Corporation Board
Public Library Corporation
Public Parking Corporation
Raven Run Nature Sanctuary Advisory Board
Refuse Collection Appeals Board
Retention Basin Action Match Review Board
Rural Land Management Board
Sanitary Sewers Financial Assistance Program Appeals Board
Senior Citizens Center Advisory Board
Sign Review Committee
Sister Cities Program Commission
Special Events Commission
Telecommunications Advisory Committee
Town & Gown Commission
Tree Board
Transit Authority Board
Valley View Ferry Authority

LEXINGTON-FAYETTE URBAN COUNTY COUNCIL
Memorandum

TO: George Myers, Councilmember
8th District

FROM: Paul Schoninger
Staff to Council

DATE: November 1, 2007

SUBJECT: Boards & Commissions Background
Subject to Ethics Act Disclosure

This memo is in response to your request for information regarding boards & commissions. This memorandum attempts to address your questions regarding boards that are required to adhere to the Ethics Act Financial disclosure statement, section 25-13(3) of the UCG Code. Its companion piece offers background on the various boards & commissions required or authorized by the Urban County Government. Earlier I provided memos regarding the appointment of Planning Commission members.

At present members of four (4) boards are required to adhere to the disclosure requirements 25-13(3) requires that members of the board of adjustment, comprehensive plan update committee, ethics commission and planning commission file a statement of financial interests with the ethics commission. The Comprehensive Plan Update Committee is presently vacant and was not utilized during the last Comp Plan.

I have attached a copy of the 2006 statement of financial interests along with filing instructions for your review.

Disclosure is important as it provides citizens confidence that public decisions are in the best interest of the community and not tainted by a conflict or interest or a potential conflict.

While it may be controversial I would recommend that boards that control a sufficient public budget ort that make or can make dependent decisions be subject to 25-13(3). These include Agricultural Extension District Board; Airport Board; Board of Architectural Review; Board of Health; Carnegie Literacy Center Board of Directors; City Employees Pension Fund Board; Civil Service Commission; Commission on Housing & Support Services; Community Action Council; Convention & Visitors Bureau Board; Downtown Development Authority; Exaction Appeals Committee; Explorium of Lexington;

Greenspace Commission; Historic Preservation Commission; Housing Authority Board; Industrial Revenue Bond Committee; Internal Audit Board; Lexington Center Corp; Lexington Fayette County Parking Authority; Library Board of Trustees; Library Board of Advisors; Metro Employees Pension Fund Board; Neighborhood Action Match Program Board; Paris Pike Corridor Commission; Parks & Recreation Advisory Board; Partners for Youth Foundation Board; Police & Fire Retirees Fund Board; Public Facility Corporation Board; Public Library Corporation; Public Parking Corporation; Rural Land Management Board; Sister Cities Program Commission; Transit Authority Board; and Tree Board.

It may be argued that the interest statement is too onerous or that it may not be the best way to identify conflict of interest, but at present it is the best objective tool at the disposal of the Urban County Government.

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

Paul Schoninger
Staff to Council

c: Joseph Schuler

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
ETHICS COMMISSION
STATEMENT OF FINANCIAL INTERESTS FOR 2006

Please complete the information below. If any of the requested information is inapplicable to you, please mark "NONE" in the appropriate space.

For example, if you do not have a work/business address, mark "NONE" on the appropriate line.

Name: ____________________
Work/Business Address: ____________________
Work/Business Telephone: ____________________
Home Address: ____________________
____
Title of present or former
public position, or office sought: ____________________
(i.e. Member of an UCG Commission, Council member, Mayor, Commissioner of an UCG Department, Director of an UCG Division, or Constitutional Officer)
Other Occupations of filer: ____________________
Occupations of spouse: ____________________
____
See Section 25-17(2)(a-c).

Check the appropriate box: (If this is the first statement you are filing for year 2006 then it is an original statement).

[____] Original Statement
[____] Amended Statement

I. INCOME

A. EARNED INCOME

Earned income is represented by earnings from employment, or personal efforts. If you or your immediate family have earned income in excess of $500 from any one source, the Source and Nature (commission, fees, salary, pension, etc.) must be reported in this section for both you and each immediate family member. See Section 25-17(2)(d).

For example, you are employed for GG&H Construction and your spouse is an attorney for WBG Law Firm. You and your spouse both have an annual salary of greater than $500.00 from each of your respective employers. You must report GG&H Construction and WBG Law Firm as the SOURCE of your earned income and salaries as the NATURE of your earned income in this section.

SOURCE		NATURE
i.e.	GG&H Construction	Salary
	WBG Law Firm	Salary

______________________________ ______________________________
______________________________ ______________________________
______________________________ ______________________________
______________________________ ______________________________

B. UNEARNED INCOME

Unearned Income includes, but is not limited to, earnings derived from assets or investments such as interest, rents, royalties, dividends, capital gains, etc. If you or your immediate family have unearned income which exceeds $500 in value from any one source, the SOURCE and NATURE must be reported in this section for both you and each immediate family member. See Section 25-17(2)(d).

For example, you own stock in X Corporation and received dividends in excess of $500. You must report X Corporation as the SOURCE of your unearned income and dividends as the NATURE of your unearned income in this section.

SOURCE	NATURE
i.e. X Corporation	Dividends

______________________________ ______________________________
______________________________ ______________________________
______________________________ ______________________________
______________________________ ______________________________

II. HOLDINGS

A. ASSETS LOCATED WITHIN THE STATE

The name and address of any business located within the state in which you or your immediate family had at any time during the preceding calendar year an interest of ten thousand dollars ($10,000) or more at fair market value or ten percent (10%) ownership interest or more, whichever is less. See Section 25-17(2)(e).

For example, you have 100% ownership in XYZ business which is located in this state. You must report the name and address of XYZ in this section.

NAME OF BUSINESS
i.e. XYZ

ADDRESS OF BUSINESS
123 Bluegrass Dr. Lexington, KY

B. <u>ASSETS LOCATED OUTSIDE THE STATE</u>

If you are the Mayor, member or candidate of the Urban County Council, Commissioner or Division Director, you must complete this section. Otherwise, skip to Section IIC.

If you hold one of the positions listed above, please report the name and address of any business located outside of the state, if the business has engaged in any business transactions with the Urban County Government during the past three (3) years or is anticipated to engage in any business transactions with the Urban County Government, in which you or your immediate family had at any time during the preceding calendar year an interest of ten thousand dollars ($10,000) or more at fair market value or ten percent (10%) ownership interest or more, whichever is less. See Section 25-17(2)(f).

For example, you are a councilmember and have a 20% ownership interest in KBC, Inc. which is located in Ohio. Two years ago, KBC had a contract with Lexington-Fayette Urban County Government and is anticipating entering into another contract with Lexington-Fayette Urban County Government next year. You must report the name and address of KBC, Inc. in this section.

NAME OF BUSINESS
i.e. KBC, Inc.

ADDRESS OF BUSINESS
123 Bluegrass Dr. Dayton, Ohio

C. **REAL ESTATE LOCATED IN FAYETTE COUNTY**

The location of all real estate within the county, <u>other than your primary residence</u>, in which you or your immediate family had during the preceding calendar year an interest, having a value exceeding five thousand dollars ($5,000) at the close of the reporting period, must be reported in this section for both you and each immediate family member. Each location must also be designated as commercial, residential, or rural. See Section 25-17(2)(g).

For example, you own Wildcat Manor which is an apartment complex located near the University of Kentucky. This complex is valued at $200,000. You must report the address of Wildcat Manor and specify a property category (commercial, residential, or rural).

ADDRESS OF PROPERTY	DESIGNATION
i.e. 758 King Ave.	Commercial
____________________	____________________
____________________	____________________
____________________	____________________
____________________	____________________

III. CREDITORS

The name and address of any creditor of yours or your immediate family, who is owed more than ten thousand dollars ($10,000), except debts arising from the purchase of a primary residence or the purchase of consumer goods which are bought or used primarily for personal, family or household purposes must be disclosed in this section for both you and each immediate family member. See Section 25-17(2)(i).

For example, you borrowed $175,000 from WWW Finance Company to purchase Wildcat Manor. You still owe WWW Finance Company $75,000. You must report the name and address of WWW Finance Company in this section.

NAME OF CREDITOR	CREDITOR'S ADDRESS
i.e. WWW Finance Company	554 Drew Dr. Lexington, Ky
____________________	____________________
____________________	____________________
____________________	____________________
____________________	____________________

III. CONFLICT OF INTEREST

To your knowledge, do either you or your immediate family have any interest in property, tangible or intangible, or any other assets or business that may constitute or cause a conflict with your official duties? If yes, please explain. See Section 25-17(h).

[____] Yes [____] No

Explanation:

Any individual who knowingly and willfully provides false, misleading, or incomplete information in this form shall be subject to the penalties provided in Chapter 25 of the Lexington-Fayette Urban County Government Code of Ordinances and to criminal prosecution for violation of KRS 523.040.

Signature Date

COMMONWEALTH OF KENTUCKY)
COUNTY OF FAYETTE)

The foregoing Statement of Financial Interests was subscribed, sworn to and acknowledged before me by ______________________ on this the ______ day of ______________________, 200__.

My commission expires:______________________

NOTARY PUBLIC, STATE AT LARGE, KY

Please refer to this Checklist before you file your Financial Interests Statement with the Council Clerk:

- ______ All Sections are complete.
- ______ If a Section is inapplicable to me, I have marked "NONE" in the appropriate space.
- ______ I have signed the Statement.
- ______ I had my signature notarized.

GDH\3.eth

Sec. 25-13. Financial disclosure--Who must file.

The following persons shall file an annual statement of financial interests with the ethics commission established at section 25-20:

(1) The mayor, county judge/executive, members of the urban county council, county clerk, county attorney, sheriff, coroner, surveyor and constables;

(2) Candidates for the offices enumerated in subsection (1) of this section;

(3) Members and chief executive officers, if any, of the urban county government board of adjustment, comprehensive plan update committee, ethics commission, and planning commission.

(4) Commissioners, division directors, and employees holding the positions of buyer and buyer senior of the urban county government; and

(5) All persons formerly occupying the positions identified in subsections (1--4) of this section for the first full calendar year following the end of their term of office or employment.

(Ord. No. 255-94, § 1, 12-13-94)

Sec. 25-14. When to file statements; amended statements.

(1) The initial statement of financial interests required by this section shall be filed with the council clerk, no later than 5:00 p.m. on April 17, 1995. All subsequent statements of financial interest shall be filed no later than 5:00 p.m. on April 15 of each year, provided that:

(a) An officer or employee newly-appointed to fill an office or position of employment, other than a commissioner of the urban county government, shall file his initial statement prior to confirmation.

(b) A person recommended by the mayor for confirmation as a commissioner of the urban county government shall file his initial statement at the same time his name is submitted to the urban county council by the mayor.

(c) A candidate for office shall file his initial statement no later than thirty (30) days after the date on which the person becomes a candidate for elected office.

(2) The commission may grant a reasonable extension of time for filing a statement of financial interests for good cause shown.

(3) In the event there is a material change in any information contained in a financial statement that has been filed with the commission, the officer or employee shall, no later than thirty (30) days after becoming aware of the material change, file an amended statement with the commission.

(Ord. No. 255-94, § 1, 12-13-94)

Sec. 25-15. Form of the statement of financial interests.

The statement of financial interests shall be filed on a form prescribed by the ethics commission, or the administrative official designated by the commission. The commission, or the designated administrative official, shall deliver a copy of the form to each officer and employee required to file the statement, by first class mail or hand delivery, no later than January 15 of each year. The failure of the commission, or the designated administrative official, to deliver a copy of the form to any officer oremployee shall not relieve the officer or employee of the obligation to file the statement.

65.003 Codes of ethics for city, county, charter county, urban-county government, and consolidated local government officials and employees -- Interlocal agreements.

(1) The governing body of each city, county, urban-county, consolidated local government, and charter county, shall adopt, by ordinance, a code of ethics which shall apply to all elected officials of the city, county, urban-county, consolidated local government, or charter county, and to appointed officials and employees of the city, county, urban-county, consolidated local government, or charter county government, or agencies created jointly, as specified in the code of ethics. The elected officials of a city, county, or consolidated local government to which a code of ethics shall apply include the mayor, county judge/executive, members of the governing body, county clerk, county attorney, sheriff, jailer, coroner, surveyor, and constable but do not include members of any school board. Agencies created jointly may include planning or administrative commissions or boards. Candidates for the local government elective offices specified in this subsection shall comply with the annual financial disclosure statement filing requirements contained in the code of ethics.

(2) Any city, county, or consolidated local government may enter into a memorandum of agreement or an interlocal agreement with one (1) or more other cities, counties, or consolidated local governments for joint adoption of a code of ethics which shall apply to all elected officials of the cities, counties, or consolidated local governments, and to appointed officials and employees as specified by each of the cities, counties, or consolidated local governments which enters into the agreement. Interlocal agreements shall be executed pursuant to the Interlocal Cooperation Act in KRS 65.210 to 65.300. The interlocal agreement or memorandum of agreement may provide for but shall not be limited to:

(a) The provision of administrative services relating to the implementation of a code of ethics;

(b) The creation of a regional ethics board which serves independently to provide advice to member governments and their officials and provides for the enforcement of locally adopted codes of ethics; and

(c) Contracting by a memorandum of agreement with an area development district for the provision of administrative services relating to the implementation of a code of ethics.

Candidates for the city, county, or consolidated local government elective offices specified in this subsection shall comply with the annual financial disclosure statement filing requirements contained in the code of ethics.

(3) Each code of ethics adopted as provided by subsection (1) or (2) of this section, or amended as provided by subsection (4) of this section, shall include but not be limited to provisions which set forth:

(a) Standards of conduct for elected and appointed officials and employees;

(b) Requirements for creation of financial disclosure statements, which shall be filed annually by all candidates for the city, county, or consolidated local government elective offices specified in subsection (1) of this section, elected officials of each city, county, or consolidated local government, and other officials or employees of the city, county, or consolidated local government, as specified in the code of ethics, and which shall be filed with the person or group responsible for enforcement of the code of ethics, provided that nonpaid members of jointly created agencies may be exempted from filing financial disclosure statements;

(c) A policy on the employment of members of the families of officials or employees of the city, county, or consolidated local government, as specified in the code of ethics;

(d) The designation of a person or group who shall be responsible for enforcement of the code of ethics, including maintenance of financial disclosure statements, all of which shall be available for public inspection, receipt of complaints alleging possible violations of the code of ethics, issuance of opinions in response to inquiries relating to the code of ethics, investigation of possible violations of the code of ethics, and imposition of penalties provided in the code of ethics.

(4) The code of ethics ordinance adopted by a city, county, or consolidated local government may be amended but shall not be repealed.

(5) (a) Within twenty-one (21) days of the adoption of the code of ethics required by this section, each city, county, or consolidated local government shall deliver a copy of the ordinance by which the code was adopted and proof of publication in accordance with KRS Chapter 424 to the Governor's Office for Local Development. The Governor's Office for Local Development shall maintain the ordinances as public records and shall maintain a list of city, county, or consolidated local governments which have adopted a code of ethics and a list of those which have not adopted a code of ethics.

(b) Within twenty-one (21) days of the amendment of a code of ethics required by this section, each city, county, or consolidated local government shall deliver a copy of the ordinance by which the code was amended and proof of publication in accordance with KRS Chapter 424 to the Governor's Office for Local Development, which shall maintain the amendment with the ordinance by which the code was adopted.

(c) For ordinances adopting or amending a code of ethics under this section, cities of the first class and consolidated local governments shall comply with the publication requirements of KRS 83A.060(9), notwithstanding the exception contained in that statute.

(6) If a city, county, or consolidated local government fails to comply with the requirements of this section, the Governor's Office for Local Development shall notify all state agencies, including area development districts, which deliver services or payments of money from the Commonwealth to the city, county, or consolidated local government. Those agencies shall suspend delivery of all services or payments to the city, county, or consolidated local government which fails to comply with the requirements of this section. The Governor's Office for

Local Development shall immediately notify those same agencies when the city, county, or consolidated local government is in compliance with the requirements of this section, and those agencies shall reinstate the delivery of services or payments to the city, county, or consolidated local government.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 47, sec. 40, effective June 26, 2007. -- Amended 2002 Ky. Acts ch. 291, sec. 1, effective July 15, 2002; and ch. 346, sec. 22, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 69, sec. 29, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 214, sec. 1, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 16, sec. 1, effective July 15, 1994.

Intergovernmental Committee Items-Pending

11/8/2007

Item	Referred By	Date Referred
Boards & Commissions That Adhere to Ethics Commission	**Myers**	**8-14-07**
Party Affiliation for Boards/Commissions	Gorton	8-14-07
Review Current Boards & Commissions	**Myers**	**6-12-07**
Composition, Utilization & Accountability of Boards/Commissions	Myers	1/16/07
Council Standing Committees	Myers	1/16/07
Renaming Whitney Young Park Shelter the Charles Quillen Park Shelter	Lane	2/21/06
High Risk Pay Supplement	Gorton	2/14/06
Proposed New Compensation System	Gorton	1/15/05