James
DeCamp
Gray
Blues
Beard
Stinnett
Crosbie
Myers
Blevins
Henson

INTER-GOVERNMENTAL COMMITTEE

April 22, 2008
1:00 P.M.

AGENDA

1. **Pay Equity Issue** - Stinnett (1-9)

2. **Boards/Commissions** – Myers (10-27)
   a. Considered for Elimination/Consolidation (10-12)
   b. Ethics (13-19)
   c. Reporting Policy (20-21)

3. **Update on Committee Items** (28)

"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)

Pay Equity: Ordinance 197-2002

Additional Annual Cost by Payment Approval Year

Approval Date	Emps	2003 Emps	2003 Annual Cost	2004 Emps	2004 Additional Annual Cost	2005 Emps	2005 Additional Annual Cost	2006 Emps	2006 Additional Annual Cost	2007 Emps	2007 Additional Annual Cost	2008 Emps	2008 Additional Annual Cost
1-Oct-02	70	70	203,035.00										
1-Oct-02	24	24	25,745.00										
29-Oct-02	48	48	150,955.00										
21-Apr-03	39	39	58,415.00										
9-Sep-03	64			64	61,105.00								
12-Jan-04	31			31	107,523.38								
12-Jan-04	57			57	157,094.60								
12-Jan-04	30			30	95,666.12								
25-Jun-04	1			1	9,057.24								
25-Jun-04	1			1	26.07								
6-Jul-04	20			20	126,561.47								
17-Aug-04	45					45	101,998.59						
26-Nov-04	65					65	226,526.63						
28-Jun-05	12					12	11,074.00						
28-Jun-05	2					2	2,685.00						
10-Oct-05	11							11	17,600.00				
10-Oct-05	2							2	3,582.00				
7-Nov-05	9							9	101,808.00				
21-Feb-06	65							65	226,526.63				
28-Feb-06	419							419	561,093.51				
8-May-06	2							2	6,435.00				
30-May-06	7							7	10,430.00				
30-May-06	4							4	5,730.00				
6-Jul-06	4									4	10,990.00		
21-Nov-06	1									1	1,820.00		
2-Jan-07	1									1	3,297.89		
23-Jan-07	39									39	69,630.00		
30-May-07	9									9	16,568.00		
6-Jun-07	2											2	15,930.00
11-Oct-07	1											1	5,742.06
26-Nov-07	1											1	899.20
12-Feb-08	3											3	1,701.41
5-Mar-08	3											3	2,897.44
5-May-08	17											17	31,088.70
		181	438,150.00	204	557,033.88	124	342,284.22	519	933,205.14	54	102,305.89	27	58,258.81

Grand Total:	**1,109**	**Employees at an annual cost of**	**$2,431,237.94**

ORDINANCE NO. 197-2002

AN ORDINANCE PROVIDING THAT THE DIVISION OF HUMAN RESOURCES SHALL IDENTIFY FULL-TIME PERMANENT EMPLOYEES WHO, AFTER JUNE, 2000, ARE PAID AT A LOWER SALARY RATE THAN NEWLY HIRED OR PROMOTED EMPLOYEES IN THE SAME CLASSIFICATION WHO HAVE THE SAME OR LESSER QUALIFICATIONS, AS EMPLOYEES WHO MAY BE ELIGIBLE FOR A SALARY ADJUSTMENT TO A LEVEL EQUAL TO THAT OF THE NEWLY HIRED OR PROMOTED EMPLOYEES SO IDENTIFIED; PROVIDED, HOWEVER, THAT EMPLOYEES WHO BELIEVE THEY MEET THE ABOVE QUALIFICATION MAY APPLY TO THE DIVISION OF HUMAN RESOURCES FOR A SALARY ADJUSTMENT; PROVIDING THAT ADJUSTMENTS SHALL BE PROCESSED IN THE ORDER IDENTIFIED BUT ADJUSTMENTS SHALL BE MADE ONLY IN THE EVENT THAT SUFFICIENT FUNDS ARE APPROPRIATED FOR THE PURPOSE; PROVIDING THAT EMPLOYEES MAY APPEAL DENIALS OF ADJUSTMENTS TO A COMMITTEE COMPOSED OF THE CAO, THE DIRECTOR OF HUMAN RESOURCES, AND THE REQUESTING EMPLOYEE'S COMMISSIONER AND DIVISION DIRECTOR, WHOSE DECISIONS SHALL BE FINAL; PROVIDING THAT ALL ADJUSTMENTS TO SITUATIONS IN EXISTENCE ON OR BEFORE JUNE 17, 2002 SHALL BE MADE RETROACTIVE TO JUNE 17, 2002; PROVIDING THAT NO OTHER RETROACTIVE PAYMENTS SHALL BE MADE; AND THAT ALL SALARY ADJUSTMENTS SHALL BE APPROVED BY THE URBAN COUNTY COUNCIL.

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

Section 1 - That the Division of Human Resources shall identify full-time permanent employees who, after June 30, 2000, are paid at a lower salary rate than newly hired or promoted employees in the same classification who have the same or lesser qualifications, as employees who may be eligible for an adjustment to salary to a level equal to that of the newly hired or promoted employees so identified; provided, however, that employees who believe they meet the above qualifications may apply to the Division of Human Resources for an adjustment.

Section 2 – That adjustments shall be processed in the order they are identified, but adjustments shall be made only in the event that sufficient funds are appropriated for the purpose. No retroactive payments shall be made; provided, however, that for adjustments made to situations in existence on or before June 17, 2002 shall be made retroactive to June 17, 2002.

Section 3 – That an employee whose request for adjustment has been denied may appeal to a committee comprised of the Chief Administrative Officer, the Director of the Division of Human Resources, and the employee's Commissioner and Director, provided, however, that the decision of the Committee shall be final.

Section 4 - That all salary adjustments recommended hereunder, shall be approved by the Council of the Lexington-Fayette Urban County Government.

Section 5 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: July 16, 2002

Pam Miller

MAYOR

ATTEST:

Liz Damrell

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: July 24, 2002-1t

TH/ord421

TO: Pam Miller, Mayor
Urban County Councilmembers

FROM: Ken Kerns
Chief Administrative Officer

DATE: July 1, 2002

RE: Salary Adjustments

As you know, there are employees in various divisions who believe that they are being treated unfairly when a newly hired or promoted employee is placed farther in the grade salary range than the longer tenured employee. These situations result from various causes: labor market shortages in some jobs; the fact that increases to the salary schedules and merit pay have not met recommended levels; the compression in some classifications caused by little movement through the grade salary ranges; and long term employees who promote and leap frog employees who were promoted earlier. Some of these problems would exist even if the compression and lack of merit movement had not occurred, but all the problems are made worse by the fact that structure movement has not kept up with general consumer price index changes.

To alleviate the more serious of these problems, the FY 2003 budget appropriates money to move affected employees to a salary equal to that of the employees to whom they are comparing themselves. After discussion with Commissioners, I recommend that the Council adopt an Ordinance which will allow all full-time permanent employees who, after June, 2000, were paid at a lower salary rate than newly hired or promoted employees in the same classification who have the same or lesser qualifications than the affected employee to apply for a salary adjustment equal to that of the newly hired or promoted employee so identified. Because there is a limited amount of money to address these matters, however, salary adjustments for problems existing as of June 17, 2002 would be retroactive only to June 17, 2002. No other retroactive amounts would be paid. Additionally, because of the limited amount of money appropriated for this program, after this year, requests for adjustments will be handled in the order they are received and granted only so long as there are sufficient funds in the account.

Employees will apply directly to the Division of Human Resources for these adjustments. The Division of Human Resources would be responsible for comparing the training and experience of the two employees to determine if the employee met the requirements for payment. An employee dissatisfied with the decision of the Division of Human Resources could appeal to a committee comprised of the CAO, the employee's Commissioner and division director. This Committee's decision would be final administratively. Once a decision was made to recommend a change to the employee's salary, the Urban County Council would set the salary by Resolution.

The Administration believes that there are sufficient funds in the FY 2003 budget to address existing claims. If you have any questions, please call.

Ken Kerns

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URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

FEBRUARY 28, 2006

Mayor Isaac chaired the meeting, calling it to order at 3:30 pm. All council members were in attendance with the exception of Mike Scanlon.

D. Pay Equity Update

Mr. Allen provided a Powerpoint presentation on the pay equity situation. A copy of the presentation is attached.

Mr. Wigginton asked what type of new system Mr. Allen was working on.

Mr. Allen stated that the new system would be a hybrid of the Mercer System and the Old Hay or Step System.

Mr. Wigginton asked if HR was working to develop a bonus that was not considered a bonus.

Mr. Allen responded yes.

Mr. Wigginton asked if HR was trying to get all positions to market level and asked if the problems with compression, inversions, and low raises would be fixed.

Mr. Allen stated that the World at Work Index had replaced the old American Compensation Association system and their template would be used for determining market value, compression, and range in the area.

Mr. Wigginton asked if policies were being put into place to deal with inversions.

Mr. Allen stated that a policy had been put into place in March 2005 and no inversions had occurred since the policy was implemented.

Mr. Cegelka asked how long the market studies would take to conduct.

Mr. Allen stated that the project would take approximately 1.5 years because all jobs would be evaluated.

Mr. Cegelka noted that the current pay scale did not address performance and asked what would be done to address performance.

Mr. Allen stated that performance evaluations would be a component of the new system because good pay systems must include a method for compensating employees who perform well.

Mr. Cegelka noted that some jobs would require re-evaluation because the market changes so much.

Mr. Allen stated that the jobs would be constantly monitored and recruitment would be used as an indicator to determine whether or not the market value was being maintained.

Ms. Gorton asked when the council would see the bluesheet for fixing the pay equity salaries.

Mr. Allen stated that the item would be a new business item on the next work session docket.

Ms. Gorton noted that Mr. Allen would be presenting the new pay system plan to the Intergovernmental Committee ion March 14th.

Mr. DeCamp stated that he was confused about the back pay and asked why it had to be included.

Mr. Allen explained that the ordinance passed by the council in June 2002 stipulated that the employees receive back pay to the date the ordinance was passed and that employees still holding the position they held when the ordinance was pass and who were entitled to pay equity as outlined in the ordinance would receive back pay.

Mr. DeCamp asked what the Jan. 23, 2006 date was.

Mr. Allen stated that the date was the date for back pay accumulations to end, thus, employees who were eligible would be paid back pay for June 16, 2002 through January 23, 2006.

Mr. Lane asked if the back pay amount was budgeted.

Mr. Allen stated that he had requested the funds in the FY 07 budget. He stated that the budget must also include the new salary and benefit amounts for the affected employees.

Dr. Stevens asked what would prevent future inversions when performance raises put some employee's salary higher than others.

Mr. Allen stated that performances raises should not be considered as part of an employee's base salary.

E. Council Office Reorganization

Mr. Allen reviewed the information provided to the council. A copy of the information is attached.

Mayor Isaac to Mr. Ellinger and left the meeting.

Mr. Myers stated that his aide, Joe Schuler, had sent information regarding the exempt vs. non-exempt status of aides. He asked if Mr. Allen had taken into consideration the fact that each aide's supervisor is part-time when considering whether the position should be exempt or non-exempt.

Mr. Allen stated that HR must look at the job in the same way the Department of Labor (DOL) would look at the job and noted that some council members might require administrative types of duties of their aides while other council members did not. He stated that he must consider the lowest denominator for all aide positions when making the determination. He stated that he could request an opinion from the DOL on the position.

Mr. Myers asked which PAQ was used for determining exempt vs. non-exempt.

Mr. Allen stated that he had used the PAQ developed when Mr. Myers was on staff.

Mr. Myers stated that the council had never approved the PAQ and recommended that the PAQ be reviewed and approved prior to the DOL investigating the job.

A motion by Mr. Myers to schedule a COW meeting to review the Legislative Aide PAQ, seconded by Mr. Lane, was amended to schedule the date for March 7th at 5:00 pm. The motion passed without dissent. Absent from chambers: Cegelka and Stevens.

A motion by Ms. Shafer to amend the motion to schedule the meeting for March 9th at 5:00 pm, seconded by Mr. Wigginton, was withdrawn. Absent from chambers: Cegelka and Stevens.

URBAN COUNTY COUNCIL

WORK SESSION SUMMARY

NOVEMBER 30, 2004

Mayor Isaac chaired the meeting, calling it to order at 1:30pm.

Attendance: Paul Brooks, George Brown, Fred Brown, Dick DeCamp, Chuck Ellinger, Bill Farmer, Linda Gorton, Gloria Martin, Jennifer Mossotti, Mike Scanlon, Sandy Shafer, David Stevens, and Jacques Wigginton.

Absent: Wanita Elison and Bill Cegelka.

C. Pay Equity Study Update

Ms. Holmes provided an update on the status of completing the pay equity study list. She stated she would be presenting a blue sheet to correct the salaries of the individuals remaining on the list at the council meeting on Thursday night. She stated her office had received 100 appeals and would begin reviewing those soon.

Mr. Wigginton asked what could be done to prevent inequities in the future.

Ms. Holmes stated employees were now being hired and awarded a salary based upon their education and experience. She stated this still causes salary inversions for individuals already employed with the same level of education and experience but would be more easily addressed by a new database system.

Mr. Dohoney stated KRS requires the city to determine salaries based upon the education, experience, and pay rate of other individuals holding the same job title regardless of whether or not they have the same duties. He stated this needs to be changed because it will continue to cause salary inversions.

Mr. Wigginton stated all employees should be paid the market rate for the duties they perform.

Mr. Scanlon stated the madness could be stopped by using the same system as the public sector by assigning a fair market value to each job. He asked the Mayor and CAO to bring the council their recommendations for legislative changes.

A motion by Mr. Wigginton to place into the Intergovernmental Committee a discussion on what to do to prevent pay equity problems in the interim of having KRS changed, seconded by Mr. G. Brown, passed without dissent.

Mayor Isaac stated they would bring the information to the first work session in January.

VI. Council Report

Mr. Wigginton reported he would be attending the NLC meeting and would not be at the council meeting on Thursday night.

Mr. G. Brown reported the same.

In a presentation to the Urban County Council last month, Director of Human Resources **Michael Allen** described a new plan to introduce a pay equity system to UCG employees. According to Allen, his division felt that council members needed a good understanding of the current compensation plan. Allen said that his division is working hard to comply with city ordinances passed in 2002 that affect employee pay.

Since 1984, there have been two different employee compensation systems used by LFUCG (the Hay and Mercer systems). The problem with the systems, which primarily caused the confusion and inequities, was that the rules kept changing. A new system should go into effect later this year. The design and the "rules" surrounding this system will be developed by an employee committee representing all divisions for subsequent submission for approval. It is anticipated that this will take over a year.

Established in 1984, the Hay system was a "step" system where employee salary rates increased based on a set schedule, plus annual cost of living increases, when applicable. It was discarded in the early 1990s, when dissatisfied divisions and employees complained about problems with recruitment and with stagnant salaries for employees with 10 or more years of experience.

Based on employee performance, the Mercer system was established in the mid-1990s. However, Allen said that funding the Mercer system never fully materialized, so it was never completely implemented. Differing pay practices were allowed for recruiting purposes in 1999 and 2000.

According to Allen, pay equity *is*:

- An effort to correct pay inversions (inequities);
- Driven by Ordinance #197-2002;
- A process with ever-changing results.

Allen said that pay equity is *not*:

- About fairness;
- About market value;
- Whether or not positions are appropriately classified.

The ordinance cited by Allen was passed by Council on June 16, 2002. It directs the Division of Human Resources to identify full-time employees who, after June 30, 2000, are paid at a lower salary rate than newly-hired employees in the same classification, and who have the same or greater qualifications as those newly-hired employees.

The way pay equity is calculated is a three-step process. First, Human Resources researches each LFUCG employee's qualifications. Then, Human Resources presents its findings to the Administration and Council for approval. Third and lastly, employees opposed to HR's finding can appeal to a committee consisting of the CAO, the director of Human Resources, their commissioner and director.

There are four criteria for determining whether a pay inversion has occurred with an LFUCG employment position:

- Two employees are in the same job class, but one is paid a greater amount.
- The lesser-paid employee must have been in government longer than the employee that is paid more.

Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

TO: URBAN COUNTY COUNCIL
INTERGOVERNMENTAL COMMITTEE

FROM: ANNA HARTJE BUTCHER
MAYOR'S OFFICE

DATE: April 16, 2008

SUBJECT: BOARDS AND COMMISSIONS

Please find the listing of Boards, Commissions, or Committees previously presented to Council for consideration for elimination or consolidation. At this time, we have researched each entity and have the following recommendations for review.

Council action already taken and no further action required:

Examining Board of Electricians: Repealed by Ordinance No. 187-2003. No further action required.

Appeal Board of Electricians: Repealed by Ordinance No. 187-2003. No further action required

Water District Board: Known as the Lexington-South Elkhorn Water District Board. Lexington was removed from the district by Resolution No. 121-89. No further action required

BOCA Board of Appeals: has been replaced by Administrative Hearing Board in Ch. 12 of Code of Ordinances. No further action required

Lexington Economic Development Commission: Repealed by Ordinance No. 227-89. No further action required.

Refuse Collection Appeals Board: Disbanded and replaced by Environmental Hearing Board. See the Code of Ordinances, Sec. 16.15.1. No action required. Please note this is an addition to the previously supplied information.

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Dissolution by Resolution: The following group represents those entities which were created by Resolution or for which no formal creation could be found. We recommend that this group be eliminated by Resolution to create a record of the action taken.

Downtown Events Commission: an offspring of the Special Events Commission. This is a duplication of efforts/work being performed by the Special Events Commission. May be dissolved by Resolution.

Airport Task Force: Task Force created by Resolution No. 638-96 and amended by Resolution No. 8-98. Work has been completed – may be dissolved by Resolution.

Advisory Board of Electricians: no longer necessary per Ordinance No. 187-2003. Dissolution by Resolution.

Water Quality Review Commission: not formally created – may be dissolved by Resolution.

Youth Services Commission: no longer needed as this was from the mid 90's and resulted in Partners For Youth. Resolution No. 524-94 created this Commission and it may be dissolved by Resolution.

African Cemetery Number Two Committee: African Cemetery Number Two, Inc. is an independent corporation, separate from LFUCG. The Corporation board should be asked to amend its by-laws to remove the requirement of a Mayoral appointment to the board. The African Cemetery Number Two Committee is a UCG creation and may be dissolved by Resolution. This action will not affect the African Cemetery Number Two Board.

Lexington United Steering Committee: No information found within the Clerks Index and Code of Ord. May be dissolved by Resolution.

Task Force on Homelessness: group that served the purpose and resulted in the creation of The Hope Center and the building of the shelters in Lexington. The task force is no longer needed and was not formally created. May be dissolved by Resolution.

Downtown Planning Committee: small part of the Comp. Plan. No information found in Clerks Index or Code of Ordinances. Dissolution by Resolution recommended.

Downtown Historic Buildings Committee: no information found in Clerks Index or Code of Ordinances. Dissolution by Resolution recommended.

Commission to review Revenue Policy and Tax Structure: created as an ad-hoc in early 90's to review imbalance between payroll and property taxes and other rev. streams. Work was completed. Not formally created. Dissolve by Resolution recommended.

Cultural Center Committee: No information found in Clerks Index or Code of Ordinances. Dissolve by Resolution recommended.

Pavement Design Committee: No information in Clerks Index or Code of Ordinances. Dissolve by Resolution recommended.

Shakespeare Festival Commission: No information in Clerks Index or Code of Ordinancees. Dissolve by Resolution recommended

Dissolution by Ordinance:

BOCA Review Commission: No longer needed as a result of state building codes. Repeal Sec. 12-1.1 to dissolve.

Equifestival of Kentucky Board of Directors: created in Art. XXXIII of Code of Ordinances. KY Secretary of State business filings records indicates that EquiFestival of Kentucky, Inc. is an inactive corporation and in bad standing. Repeal Art. XXXIII to eliminate.

Enterprise Zone Commission: inactive since 1993. Repeal Art. XXI of Code of Ordinances to eliminate.

Referral to Department of Law for additional research:

Urban Renewal and Comm. Development Board and Urban County Comm. Development Corp. Existed prior to merger –Dept. of Law will research further.

**Stone Wall Appeals Board: hears appeals from denial of permit by Historic Preservation to remove a stone wall fence. Recommend referral to Department of Law to amend Sec. 14-83 to direct appeals to BOAR.

Maintain:

Vacant Property Review Commission: inactive as of May 2004 – not funded to operate. Retain until role in the Land Bank Trust matter is determined.

Awaiting information:

Hazardous Materials – Technical Adv. Committee.: this is the advisory group required by Chapter 16A in the Code of Ordinances. Has not been active since 2000 when this transferred from DEEM to Division of Fire. Chief Hendricks is reviewing to reactivate this group.

Mayor Jim Newberry

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Department of Law

TO: Andrea James, Chair
Intergovernmental Committee

FROM: Department of Law

DATE: April 16, 2008

RE: Ethics Act – Boards and Commissions
Amendment to Ethics Act
Log No. 07-CC1819

Attached for your review is second draft ordinance amending Section 25-4 and 25-13 of the Ethics Act. The Department of Law prepared an ordinance draft on February 7, 2008 which was sent to you as an attachment to our March 4, 2008 cover memorandum explaining the changes to the ordinance. Since that memorandum, I met with Councilmember George Myers and additional changes were recommended. The changes are discussed below.

1. Require all members of Boards and Commissions created by the Urban County Government to comply with the Ethics Act.

At both the November and February Intergovernmental Committee meetings, it was suggested that Chapter 25 be amended to require members of all urban county government boards and commissions to comply with the requirements of the Ethics Act. To carry out this action, the following amendments were recommended:

a. Amend Section 25-4(1) to change the definition of agency.

b. Amend Section 25-4(9)(b) to change the definition of officer to include appointees or members of agencies.

The February 7, 2008 draft ordinance defined agency as follows:

(1) Agency means ~~the Lexington-Fayette Urban County government Board of Adjustment, Comprehensive Plan Update Committee, Ethics Commission, and Planning Commission~~

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any board or commission in which the members are appointed by the mayor subject to confirmation by the council and have regulatory authority or authority to expend funds of more than $5,000.00

After meeting with Councilmember Myers, the April 14, 2008, draft ordinance definition of agency reads as follows:

(1) Agency means ~~the Lexington-Fayette Urban County government Board of Adjustment, Comprehensive Plan Update Committee, Ethics Commission, and Planning Commission~~ **any board or commission created by the urban county government in which the members are appointed by the mayor subject to confirmation by the council.**

2. Require members of boards and commissions, who have regulatory authority or independent authority to expend public funds of more than $5,000.00, and senior advisors to the mayor, to complete the financial disclosure statement.

As stated in the March 4, 2008 memorandum, currently, the financial disclosure statement is completed by elected and appointed officials and members of the Ethics Commission, Planning Commission, Board of Adjustment and Comprehensive Plan Update Committee (which is no longer in existence).

Councilmember Myers recommended that Chapter 25 of the Code of Ordinances be amended to require additional members of boards and commissions of the Urban County Government to complete the financial disclosure statement.

To carry out the requested action, the following amendments were recommended:

a. Amend Section 25-13(3) to include agencies which have regulatory authority or have independent authority to expend public funds of more than $5,000.

b. Amend Section 25(13)(4) to include senior advisors to the mayor.

c. Amend Section 25-4 to include definitions for regulatory authority and expenditure of public funds.

In my most recent meeting with Councilmember Myers, he also recommended that the language "or comparable positions with similar responsibility and authority" be added to the disclosure requirement so that if new positions are created by this administration or future administrations, there will not be a need to amend the Ethics Act to include a specific position. Section 25(13)(4) has been amended to include the suggested language. In the February 7, 2008 draft ordinance, Section 25-14(4) read as follows:

> Commissioners, **senior advisors to the mayor,** division directors, and employees holding the positions of buyer and buyer senior of the urban county government;

In the attached ordinance draft ordinance, Section 25-14(4) reads as follows:

> Commissioners, **senior advisors to the mayor,** division directors, **or comparable positions with similar responsibility and authority** and employees holding the positions of buyer and buyer senior of the urban county government;

Additionally, in the February draft ordinance, the definitions of "regulatory authority" and "public funds" was left blank. After discussions with Councilmember Myers, those terms have been defined and are included in the attached ordinance. These definitions are as follows:

(10) Public funds means taxpayer dollars from the urban county government in excess of $5,000.00.

(11) Regulatory Authority means authority granted to an agency of the urban county government to enforce a particular chapter(s) of the Code of Ordinances, Lexington-Fayette Urban County Government.

Please note that if the Ethics Act is amended to include all boards and commissions, these boards and commissions must be notified of this new requirement. As to the requirement of filing a financial disclosure statement, will that take affect in 2009 or will it be retroactive to January 2008? Financial disclosure statements for all those required to file a 2007 statement were mailed in January and the filing deadline was April 15.

Additionally, it is recommended that these boards and commissions receive training on the requirements of the Ethics Act. All training is handled by the training section of the Division of Human Resources.

Please review the attached draft. If you have any comments, suggestions or changes, please do not hesitate to contact me.

Glenda Humphrey George, Attorney Sr.

cc: Paul Schoninger, Council Office
Leslie Jarvis, Division of Human Resources

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DRAFT
4/16/08

ORDINANCE NO_______

AN ORDINANCE

BE IT ORDAINED BY THE LEXINGTON-FAYETTE URBAN COUNTY COUNCIL:

Section 1 – That Section 25-4 of the Code of Ordinances be and hereby is amended to read as follows:

As used in this chapter, unless the context clearly requires a different meaning:

(1) Agency means ~~the Lexington-Fayette Urban County Government Board of Adjustment, Comprehensive Plan Update Committee, Ethics Commission, and Planning Commission~~ **any board or commission created by the urban county government in which the members are appointed by the mayor subject to confirmation by the council.**

(2) Business means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit.

(3) Candidate means any individual who seeks nomination or election to an "office" listed in subsection (9)(a) of this section. An individual is a candidate when the individual files a notification and declaration for nomination for office with the county clerk or secretary of state, or is nominated for office by a political party, or files a declaration of intent to be a write-in candidate with the county clerk or secretary of state.

(4) Constitutional officer means any person who is one of the following: County judge/executive, county clerk, county attorney, sheriff, coroner, surveyor or constable.

(5) Employee means any person, whether full-time or part-time, and whether paid or unpaid, who is employed by or provides service to the urban county government or to any "constitutional officer", as

the terms are defined in this section. The term "employee" shall include, but not be limited to, those employees occupying the classified civil service positions established at Code section 21-5, the unclassified civil service positions established at Code section 22-5, and the police and fire positions established at Code section 23-5. The term "employee" shall not include any contractor or subcontractor or any of their employees.

(6) Ethics commission means the Lexington-Fayette Urban County Government Ethics Commission which is created and vested by this chapter with the responsibility for enforcing the requirements of the Lexington-Fayette Urban County Government Ethics Act.

(7) Family member means a spouse, parent, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent or grandchild.

(8) Immediate family member means a spouse, an unemancipated child residing in the officer's or employee's household, or a person claimed by the officer or employee, or the officer's or employee's spouse, as a dependent for tax purposes.

(9) Officer means any person, whether full-time or part-time, and whether paid or unpaid, who is one of the following:

(a) The mayor, county judge/executive, members of the urban county council, county clerk, county attorney, sheriff, coroner, surveyor or constable; or

(b) An appointee or a member of the governing body and chief executive officers, if any, of ~~the~~ urban county government ~~board of adjustment, comprehensive plan update committee, ethics commission, or planning commission.~~ **agencies.**

(10) Public funds means taxpayer dollars from the urban county government in excess of $5,000.00.

(11) Regulatory Authority means authority granted to an agency of the urban county government to enforce a particular chapter(s) of the Code of Ordinances, Lexington-Fayette Urban County Government.

Section 2 – That Section 25-13 of the Code of Ordinances be and hereby is amended to read as follows:

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~~ **agencies with regulatory authority or the authority to expend public funds.**

(4) Commissioners, **senior advisors to the mayor,** division directors, **or comparable positions with similar responsibilities and authority** 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.

Section 3 – That this ordinance shall be effective upon date of passage.

PASSED URBAN COUNTY COUNCIL:

____

MAYOR

ATTEST:

____

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

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Mayor Jim Newberry
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Department of Law

TO: George Myers, Councilmember

FROM: Department of Law

DATE: March 26, 2008

RE: Draft Ordinance re website information for Boards and Commissions
Log No. 08-CC0425

As requested, please find attached a draft resolution directing boards and commissions to meet at least once a year and to provide certain information to the administration for posting on the LFUCG website.

The resolution only applies to the boards and commissions created in the LFUCG Code of Ordinances. The LFUCG can not direct boards or commissions it did not create to provide information to post on the website. The draft also requires that the citation to the ordinance creating the board or commission be posted rather than the entire ordinance since the Code of Ordinances is also available on the LFUCG website and to reprint each ordinance would be duplicative.

If you have any questions, please contact me.

Tracy W. Jones

Tracy W. Jones
Attorney Senior

cc: Joe Schuler, Aide to Council
Anna Hartje, Administrative Specialist Principal
Office of the Mayor

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DRAFT 03-26-08

RESOLUTION NO. _______ - 2008

A RESOLUTION DIRECTING ALL BOARDS AND COMMISSIONS CREATED IN THE CODE OF ORDINANCES, LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, TO MEET AT LEAST ONCE A YEAR, UNLESS OTHERWISE REQUIRED BY ORDINANCE, TO PROVIDE THE ADMINISTRATION WITH THE CITATION TO THE CREATING ORDINANCE, COPIES OF BYLAWS (IF ANY), A BOARD ROSTER, AND MINUTES OF EACH MEETING, AND TO UPDATE THIS INFORMATION AS NEEDED TO ENSURE THE AVAILABILITY OF CURRENT INFORMATION AND DIRECTING THE ADMINISTRATION TO POST THE INFORMATION ON THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT WEBSITE.

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

Section 1 – That all boards and commissions created in the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby are directed to meet at least once a year, unless otherwise required by ordinance and to provide the Administration with the citation to the creating ordinance, copies of bylaws (if any), a board roster and minutes of each minutes of each meeting, and to update this information as needed to ensure the availability of current information.

Section 2 – That the Administration be and hereby is directed to post the information provided by the boards and commissions pursuant to Section 1 of this resolution on the Lexington-Fayette Urban County Government website.

Section 3 – That this resolution shall become effective on _______________.

PASSED URBAN COUNTY COUNCIL:

____
MAYOR

ATTEST:

____
CLERK OF URBAN COUNTY COUNCIL

PUBLISED:

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URBAN COUNTY COUNCIL

Inter-Governmental Committee

February 12, 2008

CM James chaired the meeting, calling it to order at 1:00 pm. All members were present except CM Gray and CM DeCamp.

I. Election of Committee Chair

A motion by CM Blues to elect CM James as chair of the Intergovernmental Committee, seconded by CM. Myers, passed without dissent.

II. Selection of Vice Chair

CM James stated she will select a Vice Chair after the meeting since she didn't speak to anyone ahead of time.

III. Review Current Boards and Commissions
Boards/Commissions that Adhere to Ethics Act

Shaye Rabold, Chief of Staff and Anna Hartje, Mayor's Office, gave an overview of the Boards and Commissions. Ms. Rabold stated in the packet (page 90) is a list of boards/commissions that can either be consolidated or may no longer be needed at all. She stated the only recommendation they are making to the committee is regarding the boards/commissions on page 90 of the packet. She stated the majority of the boards recommended for consolidation or doing away with have not met for more than a year and are not in their database.

CM Myers asked if they were able to locate a final report or minutes from these boards to see what their thought process was at the last meeting.

Ms. Hartje stated no.

CM Beard asked what page 2 of the packet shows.

Ms. Hartje stated page 2 through 9 is a short summary as to what the board does. She stated these are current active boards. Ms. Rabold stated the remaining pages are more detailed information regarding the boards/commissions.

CM Blues stated his experience working with a board that has tried to be active and productive is the difficulty of establishing a working relationship with the government. He stated improvements are being made though. He stated there are some boards/commissions that are just out there and we are not doing a good job making them a community partnership with the government.

CM Myers asked about the software used to track boards/commissions.

Ms. Hartje stated the reports are customizable.

CM Myers asked if it is possible to scan in or upload the bylaws/minutes to meetings.

Ms. Hartje stated they are looking at ways to do that.

CM Myers asked how the committee wanted to handle the recommendations regarding the boards/commissions to consolidate or do away with.

CM Blevins asked the law department to draft legislation as if the ones in the list on page 90 are going to be gone and deal with additions/deletions as amendments later on.

CM James asked if someone didn't receive the packet how they would know the names on the list.

Ms. Raybold stated it is not on GTV3 or on the website. She stated the likelihood of citizens out there working on these boards is not very high. She stated there has been no communication from these boards to their office stating they need appointments. She stated they are open to suggestions.

CM James asked Ms. Raybold to read the list.

Ms. Raybold stated before the next meeting they will put more information in writing regarding these boards/commissions.

CM Beard asked if there is any wisdom in requiring these boards/commissions to meet at least once a year with minutes that would be forwarded to council.

Ms. Raybold stated she would agree and that is the prerogative of the council.

CM Henson asked if there is contact information for the ones they want to do away with.

Ms. Hartje stated in the files she went through she did not find a point of contact person.

Ms. Raybold stated they have contact information for those in the front of the packet that are active.

CM Myers stated he would like to see a policy drafted that the boards/commissions meet at least once a year and have all boards/commissions mission statement, bylaws, board roster, and minutes be posted on LFUCG website on a boards/commission webpage.

CM Blues asked that the annual report be included as well.

A motion by CM Myers for the administration to put together a draft policy for the committee to review at its next meeting, seconded by CM Blues, passed without dissent.

Ms. Raybold stated boards/commissions are created by Council and the Mayor's Office is executing the appointments to the boards. She stated the ordinance would be the mission. Ms. Raybold stated not all boards/commissions are required to have bylaws.

CM Blevins stated the directions for boards/commissions come right out of the ordinance. He stated some boards meet only on an as need basis. He stated an annual report may be difficult for some boards/commissions.

Ms. Raybold asked if CM Myers is asking administration to create their own policy or a recommendation that would be in the form of an ordinance.

CM Myers stated a recommendation that would be in the form of an ordinance and bring it back to the next meeting.

CM Myers asked if it is correct that the Library Board of Trustees does not require council approval or does that statement go with the Library Board of Advisors.

Ms. Raybold stated they believe it is with the Library Board of Trustees but will double check and email the answer to the committee. She stated she believes there are two different boards because of state law.

CM Beard stated there is also a Public Library Corporation.

CM Myers asked Ms. Raybold to give the committee a clarification on the three in an email. He asked her to send the email to Paul Schoninger and he will get it to the committee. He asked her to include in the information if the Mayor can appoint people to either of the three.

CM Myers stated the committee had requested the administration take some language that the committee gave them to put together a draft ordinance that would be an amendment to the Ethics Act. He stated the language would spell out different criteria for which boards/commissions would fall under the financial disclosure aspect of the Ethics Act. He stated the ordinance currently names the boards/commissions that are under the financial disclosure aspect of the Ethics Act.

Commissioner Askew stated the ordinance names four boards/commissions that are subject to the code.

CM Myers stated rather than change the language so that each time there is a change in a board/commission we would have to go back and amend the ordinance again. He stated they want to set apart the criteria of which boards/commissions would fall under the Ethics Act and subsequently the financial disclosure aspect of it. He stated in the process of doing this they wanted to wait and see what boards/commissions might be eliminated. CM Myers asked Commissioner Askew for an update.

Commissioner Askew stated they discussed last week the changes that were recommended and have been drafted. He stated as they reviewed the draft it became apparent there might be other parts of the ordinance that need to be reviewed. He stated for instance how members are selected.

CM Myers stated the ordinance spells out clearly the actions taken if one does not fill out the financial disclosure act. He stated we need to educate those asked to serve on boards/commissions what they need to do so they will be in compliance.

Commissioner Askew stated there is a procedure and he does not know that the procedure is being followed.

CM Myers stated we need to look at whose responsibility it is to make sure this is followed through with. He asked if at the next meeting they can expect to have all this.

Commissioner Askew stated yes. He stated KLC came out with a form ordinance when legislature passed the law requiring all local governments to have their own ethics code. He stated they have a file in their office that has information on the discussion as to why the ordinance was limited to just those four boards/commissions. He stated it might be good to have some sort of summary of the discussion. He stated it would increase the workload quite a bit to have someone try and monitor all of the financial disclosures that would be coming in if all boards/commissions are subject it.

Dr. Stevens stated in 1994 Mayor Miller appointed a task force that he chaired to draft the ethics ordinance we presently have. He stated the boards/commissions were limited to those who could have a conflict of property.

Commissioner Askew stated the current proposed draft ordinance would apply to all boards/commissions but the financial disclosure would not apply to all of them.

CM Beard asked if the Board of Health, Library Board, and LexTran Board all of who receive direct funding from our ad valorem taxes under the Ethics Act.

Commissioner Askew stated the way it is proposed now would include those.

CM Myers stated the trigger was you would have regulatory authority or authority to expend funds. He stated we are now looking at a floor to the amount of funds you can expend.

CM Stinnett asked if there is a violation of Ethics Act who a person would file the complaint with.

Commissioner Askew stated if they are subject to the Ethics Code then there is an Ethics Commission. He stated in the Charter there is a section that states the civil service commission will consider ethic complaints.

CM Stinnett asked Commissioner Askew to breakdown the information as to who falls under what.

Commissioner Askew stated there is a state law that applies to LexTran.

CM Stinnett stated the council needs to know if there is something going on with a board that is not ethical.

Commissioner Askew stated that 25-13 of the Ethics Act states that outside of elected officials, commissioners, division directors, positions of buyers and buyer senior of LFUCG, then you have members and chief executive officers of the Board of Adjustment, Comprehensive Plan Update Committee, Ethics Commission and Planning Commission are currently required to file financial disclosures.

CM Myers stated there was one other thing they talked about was where the financial disclosures go when they are completed.

Commissioner Askew stated they go to the Council Clerks office.

CM Myers asked whose responsibility is it to review them to make sure there is not a conflict and that the document is completed completely.

Commissioner Askew stated he does not know who reviews the form to make sure they are completed. He stated if one is not completed it is to be returned.

Susan Lamb, Council Clerk, stated they review them and if there is a problem with someone not filing they take it to the Ethics Commission. She stated they send out notices to those who have not complied. She stated they have not had that much problem.

CM Myers asked if anyone has been fined.

Ms. Lamb stated no not in the last few years as of yet.

CM Myers asked if there have been people who have not complied after they have received the certified letter.

Ms. Lamb stated in the past there has not been an issue. She stated everybody has complied and they have not fined anybody.

CM Myers asked how the timeline works. He asked if the document would be filled out before a person was confirmed or after. He stated he has never received anything from the Ethics Commission or Council Clerks office stating that the person they are confirming does not have a conflict.

Glenda George, Law Dept, stated there is not requirement that council have the statement of financial interest before confirmation. She stated once the form is turned into the Council Clerks office if they fill out the section stating there is a conflict of interest then that is given to the Ethics Commission.

CM Myers asked if that is done before they are confirmed.

Ms. George stated it is not always done before the confirmation. She stated they can change that but right now it is not a requirement.

CM Myers asked what if they do not fill out there is a conflict but there could be one then who reports it.

Ms. George stated if there is not anything written on the form then nobody goes over it but they sign the form stating all information is accurate.

Ms. Raybold stated page 92 of the packet is a form that Louisville uses for its boards/commissions.

CM Myers asked if this is in addition to the changes of the Ethics Act.

Ms. Raybold stated yes.

Commissioner Askew asked if the committee wants law to go on and prepare the paperwork necessary to abolish the boards on the list.

CM Blevins stated motion was made and passed.

Intergovernmental Committee Items-Pending

4/17/2008

Item	Referred By	Date Referred
Pay Equity	**Stinnett**	**3-25-08**
Citizens' Advocate Office Draft Policy & Procedures Manual	Ellinger	2-5-08
Boards & Commissions That Adhere to Ethics Commission	**Myers**	**8-14-07**
Review Current Boards & Commissions	**Myers**	**6-12-07**
Council Standing Committees	Myers	1/16/07
High Risk Pay Supplement	Gorton	2/14/06
Proposed New Compensation System	Gorton	1/15/05 Next Update 3/11/08