

RESOLUTION NO. 599 - 2023

A RESOLUTION REPEALING, REORGANIZING, REVISING, AND READOPTING APPENDIX A – RULES AND PROCEDURES OF THE LEXINGTON-FAYETTE URBAN COUNTY COUNCIL, TO THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, SETTING FORTH THE FOLLOWING: THE ORGANIZATION OF COUNCIL, INCLUDING THE DUTIES, RESPONSIBILITIES, APPOINTMENT, REMOVAL AND OTHER ASPECTS OF THE POSITIONS OF VICE-MAYOR, MEMBERS OF COUNCIL, COUNCIL ADMINISTRATOR, COUNCIL CORE STAFF, AND COUNCIL LEGISLATIVE AIDES; PROCEDURES FOR LEGISLATIVE WORKFLOW INCLUDING THE PREPARATION AND INTRODUCTION OF LEGISLATION; COUNCIL MEETING RULES AND PROCEDURES; RULES OF DEBATE AND OTHER PARLIAMENTARY PROCEDURES; VOTING REQUIREMENTS FOR COUNCIL MEMBERS; COUNCIL COMMITTEE STRUCTURE, COUNCIL COMMITTEE CHAIRS, AND THE RULES AND PROCEDURES RELATING THERETO; AND POLICIES AND PROCEDURES FOR THE COUNCIL OFFICE, INCLUDING THE UTILIZATION OF GOVERNMENT RESOURCES; AND ADOPTING SUPPLEMENTS TO APPENDIX A RELATING TO THE ROLE OF THE CITIZENS' ADVOCATE, COUNCIL GUIDELINES FOR USE OF LFUCG DEPARTMENTS, NEIGHBORHOOD DEVELOPMENT FUNDS AND COUNCIL CAPITAL PROJECTS, AND COUNCIL BEST PRACTICES.

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WHEREAS, the Urban County Council, by Resolution No. 55-79, as amended, adopted "Rules and Procedures of the Lexington-Fayette Urban County Council" (hereinafter, "Rules"), which are codified as Appendix A to the Code of Ordinances of the Lexington-Fayette Urban County Government; and

WHEREAS, the Urban County Council has reviewed, revised, and reorganized the Council Rules and desires to repeal and readopt Appendix A – Rules and Procedures of the Lexington-Fayette Urban County Council, with accompanying supplements attached thereto; and

WHEREAS, notice of the revised Council Rules, to be readopted as Appendix A, inclusive of accompanying supplements, was given to all Councilmembers at the Council Work Session on October 17, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE COUNTY GOVERNMENT:

Section 1 – That Appendix A – Rules and Procedures of the Lexington-Fayette Urban County Council, be and hereby is repealed in its current form.

Section 2 – That Appendix A – Rules and Procedures of the Lexington-Fayette Urban County Council, which is attached hereto and incorporated herein by reference, be and hereby is adopted, inclusive of all accompanying supplements.

Section 3 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: November 2, 2023

  
MAYOR

ATTEST:

  
CLERK OF URBAN COUNTY COUNCIL  
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**APPENDIX A RULES AND PROCEDURES  
OF THE  
LEXINGTON-FAYETTE URBAN COUNTY COUNCIL<sup>1</sup>**

PURPOSE. The Lexington-Fayette Urban County Council Rules and Procedures provide instruction and direction on a wide variety of areas necessary to administer the work of the Lexington-Fayette Urban County Council.

The Lexington Fayette Urban County Government Council is committed to governance that values diversity, inclusion and equity. Without diversity, we limit our talents, resources and opportunities to thrive as a community. Collectively, we commit to increasing our own education, the education of our city employees, and members of boards and commissions on the value and power of diversity and inclusion. We will continue to develop ordinances, policies and procedures that are mindful and inclusive of our diverse community.

**CHAPTER I. ORGANIZATION OF THE COUNCIL**  
**Section 1. Members of Council**

**1.101 Vice Mayor**

- 1) *Term of office:* The vice mayor shall be the at-large member of the council who received the highest number of votes in the last preceding general election of the merged government at which at-large council members were elected. In the event the at-large member receiving the highest number of votes in the general election should be or become unwilling, unqualified or unable to serve, the at-large member who received the next highest number of votes and who is willing and qualified to serve shall become vice mayor. In the event of a tie between at-large members as to the highest number of votes received in the general election, the vice mayor shall be chosen by the majority vote of the council from among the tied at-large members of the council at a special meeting of the council members elected in the general election of the merged government at which at-large council members were elected. The vice mayor shall serve for a term of four (4) years and shall assume office on the first Monday in January following their election.
- 2) *Method of election:* The election of vice mayor, if necessary, may be by roll call or written ballot, conducted by the council clerk.
- 3) *Legislative duties of the vice mayor:* The legislative duties of the vice mayor shall be as follows:
  - a. Serve as the presiding officer of the council in the absence of the mayor. When serving as presiding officer, the vice mayor shall retain their eligibility to vote on all matters.
  - b. Appoint all committees. Council members will serve a term of two years on the committees to which they are appointed.
  - c. Appoint a parliamentarian. The parliamentarian will serve a term of two years.
  - d. Authorize and refer items to committee.
- 4) *Administrative duties of the vice mayor:* The administrative duties of the vice mayor shall be as follows:
  - a. Supervision of the council administrator.
  - b. Overseeing the office space of the council.

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<sup>1</sup> This appendix is derived from § 1 of Res. No. 55-79, adopted and effective Mar. 6, 1979. This appendix was repealed, reorganized, revised, and re-enacted following a comprehensive review of the Rules and Procedures and the Lexington-Fayette Urban County Council by amendatory resolution effective November 2, 2023.

### **1.102 Council Member**

- 1) *Term of office:* Pursuant to the Charter, the size of the council shall be set at fifteen (15) members, including twelve (12) members elected from single-member districts and three (3) members elected at-large. Council members elected from single-member districts shall serve for a term of two (2) years beginning on the first Monday in January following their election. In no case shall any member elected from a single-member district serve more than six (6) consecutive terms as a district council member. At-large council members shall serve a term of four (4) years beginning on the first Monday in the January following their election. In no case shall an at-large council member serve more than three (3) consecutive terms as an at-large council member. (Charter Section 4.01)
- 2) *Powers of the Urban County Council:* Pursuant to the Charter, all legislative powers of the merged government are vested in the Council, and the Council shall have the power to act legislatively with respect to all matters which are within the powers of the merged government. (Charter Section 4.08) The term legislative power is to be construed broadly and shall include the power to:
  - a. Review the budgets of, and appropriate money to, the merged government and such independent agencies as provided for in the Charter (Charter Section 4.08);
  - b. Levy taxes, subject to the limitations of the Charter and the laws of the Commonwealth of Kentucky (Charter Section 4.08);
  - c. Adopt ordinances and resolutions, and to override a veto of the mayor of any ordinance or resolution upon its subsequent return to the council by the mayor upon a roll call vote of the three-fifths (3/5) of all members of the council, subject to the limitations of the Charter and the laws of the Commonwealth of Kentucky (Charter Sections 4.08 and 5.05); and
  - d. Make investigations into the affairs of the merged government and the conduct of any department, office or agency of the merged government (Charter Section 4.08).

### **1.103 Absence from Meetings**

Any member who is unable to attend a council meeting, work session, or a committee meeting (including zone change hearings, confirmation hearings, committee of the whole, etc.) shall notify all council members and staff as soon as possible via email using the language below:

In accordance with Section 1.103 of the Rules and Procedures of the Urban County Council, this email is to inform you that council member (NAME) will be absent from the (NAME OF MEETING) on (DATE OF MEETING).

### **1.104 RESERVED**

### **1.105 Government Resource Utilization**

- 1) *Travel and expenses:* Council members shall abide by LFUCG travel and expense procedures; CAO Policy 4R
- 2) *Approval of vouchers:* A travel voucher shall be prepared in conformity with LFUCG procedures.
- 3) *Council office space:* Only council business shall be conducted in council offices and conference rooms.
- 4) *Purchasing policy:* The following guidelines are for all purchases made by the urban county council, council legislative aides and council staff and are in addition to LFUCG's procurement card policies.
  - a. Appropriate purchases
    - i. All purchases shall be tax exempt.
    - ii. 71214-Prof. Services-Neighborhood Development Funds: may only be used for NDF purposes; funds from other budget lines may be moved into this line; funds may not be removed from this budget line once added for any non-NDF purpose
    - iii. 72203-Cell Phones: to be used for cell phone/data services (if a council member or office chooses to have an LFUCG issued cellular device)



- iv. 74102-Conferences and Other Trainings: to be used for any out of town conferences or training provided for the council member or their legislative aide
  - v. 74201-Business Travel: to be used for in-town travel/events (i.e., Commerce Lexington dinner, banquets, etc.)
  - vi. 75101-Operating Supplies and Expenses: to be used for general office supplies (i.e., specialty paper, mailings, toners, etc.)
  - vii. 75102-Food and Household Items: to be used to purchase food for meetings or refreshments for neighborhood events
  - viii. 75801-Equipment Under \$5,000: to be used for the purchase of office equipment as needed (i.e., iPads, Laptops, monitors, etc.)
- b. Prohibited purchases
- i. Personal charges are strictly prohibited.
  - ii. Alcohol
  - iii. Cash advances
  - iv. Flowers
  - v. Gifts
  - vi. Comprehensive list can be found on page 11 of LFUCG's Procurement Card Manual
- c. Documentation
- i. The Lexington-Fayette Urban County Government's record retention policy requires that records of all procurement card transactions be kept on file for three (3) fiscal years.
  - ii. Documentation shall support the propriety of the transaction and contain the following information:
    - 1. Supplier name
    - 2. Detail listing of what was purchased, including item description, quantity and price
    - 3. Total dollar amount of the purchase
    - 4. Transaction date
    - 5. Purpose/explanation for purchase
  - iii. Examples of acceptable supporting documentation include:
    - 1. Original sales receipt
    - 2. Original packing slip
    - 3. Original cash register receipt
    - 4. Copy of order form, registration, or application
    - 5. Email confirmation of Internet order
- d. A monthly Procurement Card Transaction log shall be maintained by each council member office and include:
- i. Respective monthly receipts
  - ii. A new receipt file should be set up and maintained each month.
  - iii. Card users receive paper bank statements listing all transactions made by their card for that month – all receipts should be matched to the transaction log and attached to the bank statement.
  - iv. This process is required for audit purposes and cardholders are subject to audit at any time without notice.
  - v. Submit form with receipts for council record that includes: date of purchase, category of purchase, reason for purchase (include event, date, time, location, etc.)
- e. Training/ assignment of cards
- i. All council members and legislative aides shall complete the pro-card training prior to card issuance.
  - ii. Pro-cards shall be in the name of the legislative aide.

- iii. Council member offices can opt-out of having a pro-card and can make purchases through the council office.
- f. Annual audit
  - i. LFUCG Division of Internal Audit shall conduct an annual audit of council office expenditures.
- g. Any non-consumables purchased by council offices are the property of LFUCG.

### **1.106 Correspondence and Files**

Official stationery, in both physical and electronic format, shall not be used for the personal correspondence of any council member. Campaign logos are not permitted in official stationery.

Council members are responsible for ordering and maintaining letterhead/stationery for their individual office correspondence. Details on the LFUCG official brand standards and examples of official correspondence formatting is found in D.401 of this document.

## *Section 2. Appointed Staff*

### **1.201 Council Administrator**

The council administrator shall be a full-time temporary position in the unclassified civil service system. The council administrator shall serve a term of four (4) years corresponding with the terms of at-large council members. The council may reappoint the council administrator for additional four-year terms corresponding with the terms of the at-large council members. The term of the appointment for the council administrator shall terminate on December 31, 2026. The appointment, dismissal prior to the expiration of the four-year term, or discipline of the council administrator shall be by a majority vote of the urban county council with the advice and monitoring of the division of human resources.

The council administrator, under the supervision of the vice mayor, shall perform the duties imposed upon the council administrator by section 1.201 of the Council Rules.

The core staff shall be under the general direction and supervision of the council administrator, who shall be responsible to the council as a committee of the whole.

The council administrator shall be responsible for:

- a. Interviews and recommendations for hiring and discharging the core staff and otherwise dealing with employees of the core staff, subject to direction from the council as a committee of the whole.
- b. Chairing all regularly scheduled council staff meetings
- c. Attending all regularly scheduled council meetings and related council committee meetings and any other meetings as deemed necessary by the council as a committee of the whole council, such as neighborhood meetings or residents groups.
- d. Supervising and participating in analysis regarding budgetary impact, policies and procedures, capital improvements, general services to residents and other similar activities of the council office.
- e. Advising and briefing council members regarding questions asked by council members; studying and reviewing projects from various departments and making recommendations outlining alternatives to council regarding such.
- f. Receiving a variety of research data and compiling information to be communicated to council members.
- g. Supervising and preparing special projects upon request of the committee of the whole council, individual council members, individual standing committees and individual ad hoc committees.
- h. Meeting with the mayor, commissioners and division directors to obtain information concerning government operations.

- i. Working with the department of law and the city lobbyist to coordinate annual updates concerning existing and proposed state laws and their application to the urban county government.
- j. Under the direction of the council as a committee of the whole council, preparing the annual budget for the council office and the council budget.
- k. Exercising general administrative authority over core staff, including, but not be limited to, time records, payroll, approval of leave requests and compensatory time accruals, reporting leave usages and other employment related processes.
- l. Assuring preparation of all work session and council committee agendas, together with pertinent information.
- m. With the approval of the council as a committee of the whole and coordinating with CAO policies where necessary, preparing standard operating procedures to address work flow between council members, core staff and aides to council, and monitoring same; and establishing and maintaining a repository for general council research.
- n. Training of council members (including newly elected), council aides and core staff.
- o. Sending meeting notices for Council meetings and work sessions

### **1.202 Council Core Staff**

The core staff positions of the urban county council shall consist of one (1) position of council administrator and such other positions as deemed necessary by the council to support its full council, committee and representative duties and responsibilities. The core staff shall serve a term of four (4) years corresponding with the terms of at-large council members. The council may reappoint any person occupying a core staff position for additional four-year terms corresponding with the terms of the at-large council members. The term of the appointment for the core staff shall terminate on December 31, 2026. The core staff shall handle all general and centralized research, filing, records, budget analysis, and payroll, and all other matters for the legislative branch except those matters handled by the aides to council, the council clerk's office, and the citizens' advocate office. The core staff shall provide, maintain, and update, as necessary, the files of the council committees and shall monitor and store all official council work session and committee records, as appropriate, and research and utilize the best available technology, such as electronic imaging/archiving, to the extent feasible to maximize storage capacity and accessibility of the records to the public.

### **1.203 Council Legislative Aides**

In addition to the core staff positions, each council member may appoint one (1) full-time aide to council, or two (2) part-time aides to council, when such positions have been created and a full-time position has been abolished, or may agree with another council member to appoint one (1) full-time aide to be shared by both council members. Aides to council shall perform only government-related work duties prescribed by the appointing council member(s) within the parameters of Article 16 of the Charter of the Lexington-Fayette Urban County Government and chapter 25 of the Lexington-Fayette Urban County Government Code of Ordinances. Aides to council shall serve at the will of the council member(s) appointing them. All council legislative aide appointments must be ratified by the council. Aides to council shall provide all necessary administrative and clerical assistance to their council member(s), including analytical and research support functions. Aides shall attend staff meetings and follow all LFUCG employee policies (open records, record retention, etc.). Each council member shall be responsible for interviewing and hiring their aide(s). Council members are responsible for approving time and attendance for their aide. In the event that council members agree to share a single aide to council, all decisions regarding the employment and discipline of the employee must be unanimous. If the decision to dismiss is not unanimous, the aide to council shall become the aide to council of the council member who has not agreed to their dismissal.

### **1.204 Citizens' Advocate**

*Citizens' advocate:* The council shall appoint a citizens' advocate pursuant to section 4.11 of the Charter of the Lexington Fayette Urban County Government

- a) The citizens' advocate shall be appointed by the council from a list of candidates recommended by an "ad hoc" residents' committee established for that purpose. Said committee shall be appointed by the council and composed of resident representatives from each of the twelve (12) council districts. The citizens' advocate may be removed without cause by a three-fifths ( $\frac{3}{5}$ ) vote of the entire council during their first year of service. After one (1) year of service, the citizens' advocate may be removed without cause by a three-fifths ( $\frac{3}{5}$ ) vote of the entire council, provided that they shall be granted six (6) months' notice of the council's intention to remove them, or in the alternative they shall be granted six (6) months' severance pay. After one (1) year of service a citizens' advocate may be removed at any time for sufficient cause or willful neglect of duty by a three-fifths ( $\frac{3}{5}$ ) vote of the council in accordance with the procedure established in Charter sections 4.11 and 5.09. The citizens' advocate shall be provided support staff as authorized by council.
- b) The citizens' advocate shall be responsible for interviews and recommendations for the hiring and discharging of employees in the office of the citizens' advocate.
- c) The citizens' advocate office, under the supervision of the citizens' advocate, shall perform the duties imposed upon the citizens' advocate by section 4.11 of the Charter and by the guidelines promulgated by council (Supplement A, section 1).

### **1.205 Council Clerk**

The county clerk shall be responsible for the keeping of all official council records and shall provide the council with a council clerk and such support help as needed for this purpose and performance of such other duties as the council may designate. (Charter section 4.10)

The council clerk shall have the responsibility to carry out those duties stated in Section 2-5 of the Code of Ordinances. In addition thereto, the clerk shall:

- 1) Prepare and coordinate the docket and staff all official meetings (council meetings and zone change hearings) of the urban county council.
- 2) Be responsible for the publication of all necessary public notices related to meetings in item 1.
- 3) Prepare, maintain and attest to all official council records.
- 4) Serve as custodian of official records of the urban county council.
- 5) Store all official council records utilizing the best available technology, such as electronic imaging/archiving, to the extent feasible, to maximize storage capacity and accessibility of the records to the public, in accordance with Kentucky Revised Statutes.

### **1.206 Staff Policies**

- 1) *Personal interest:* All council officers, core staff and aides shall comply with the code of ethics in article 16 of the Charter and with the Ethics Act, Chapter 25 of the Code of Ordinances. In addition, thereto, no council officer, core staff or aide shall lobby any council member concerning any contract or matter pending before the council and no core staff or aide shall engage in or be asked to engage in any political activity while on duty;
- 2) *Travel and expenses:* All employees and appointees of the council office shall abide by LFUCG travel and expense procedures; CAO Policy 4R
- 3) *Approval of vouchers:* A travel voucher shall be prepared in conformity with LFUCG procedures.

## **CHAPTER II. LEGISLATION**

### **Section 1. Legislative Authority**

#### **2.101 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.

## **2.102 Preparation of Legislation**

- 1) *Responsibility:* Draft ordinances or resolutions will usually be prepared by the department of law upon the request of the mayor, the chief administrative officer, any council member, a member of any board, agency or commission, or a department commissioner. (See B.101)
- 2) *General Form:* All draft ordinances and resolutions shall be typewritten on paper of eight and one-half (8½) inches by fourteen (14) inches. For all ordinances or resolutions, the ordaining or resolving clause shall be as follows:
  - a. *For ordinances:* "BE IT ORDAINED by the Council of the Lexington-Fayette Urban County Government:"
  - b. *For resolutions:* "BE IT RESOLVED by the Council of the Lexington-Fayette Urban County Government:"
- 3) *Language:* In preparing ordinances and resolutions for introduction, the following rules regarding language shall be followed:
  - a. Legislation proposing to amend the Code of Ordinances shall be prepared in accordance with the provisions of section 1-6 of the Code.
  - b. Each ordinance or resolution shall have a title, which shall clearly and distinctly state its general subject matter. If the title of the ordinance or resolution is to serve as a synopsis of the contents to be read in lieu of reading the ordinance or resolution itself, it shall be so certified by an attorney licensed to practice law in the Commonwealth of Kentucky on the reverse side of the ordinance or resolution. (KRS 67A.070(3)).
  - c. Each section of an ordinance or resolution shall be numbered. The effect of catchlines of sections of the Code of Ordinances shall be as set out in section 1-3 of the Code.
- 4) *Numbering:* All draft ordinances and resolutions, not prepared for direct placement on the docket of a formal council meeting, shall have the word "draft" typed in the upper right-hand corner of the first page, along with the date of its release by the department of law

## **2.103 Introduction of Legislation**

- 1) *Introducers:* All ordinances and resolutions shall be introduced by the mayor, or by other officers or employees via the administrative review procedure, which requires the knowledge and consent of the mayor. See rule 3.104 and 2.201. Council members may introduce ordinances and resolutions at a meeting of the urban county council.
- 2) *Time and manner of introduction:* All informational materials which the introducer intends to provide to the council relating to any item on the work session agenda shall be received by the council administrator no later than close of business on the Tuesday preceding the work session at which the introducer seeks to have it presented. If this requirement is not met, the council shall defer action on the item to a later work session or refer it to committee unless, by majority vote of those present, the item is determined to be urgent or to relate to an emergency, thereby requiring discussion and review at that time.
- 3) *Introduction into council:* The council shall only consider in regular, public meeting those ordinances and resolutions approved for action at a prior work session. The only exceptions to this shall be in any case where the mayor pursuant to Charter section 4.07 determines to introduce, present or otherwise insert into the record of the council any ordinance or resolution and in any case where the council, by majority

vote of those present, determines to "walk on" to the agenda of any regular, public meeting any ordinance or resolution. All ordinances and resolutions must be read on at least two (2) separate days, except as otherwise provided by law. See rule 3.501. A council member shall not be required to introduce legislation using the legislative review process, but may do so at their discretion.

## *Section 2. Legislative Process and Workflow*

### **2.201 Workflow Description and Visual Aids**

- 1) There are several ways legislative items make it through the urban county council's approval process. Legislative items are all processed at work session but each have their own workflow to come before the council at work session.
  - a. Administrative workflow (Figure 1.): Administrative requests are files that come from the administration. Files originating from various divisions are processed through a review and approval sequence using a legislative management software. The sequence includes division directors and/or commissioners, the chief administrative officer, certain divisions (to review content), and the council administrator. The office of the mayor (or appointee) prepares a list of items for consideration at the work session. The council administrator prepares the work session agenda and packet for distribution.
  - b. Council workflow (Figure 2.): Council standing committee items are legislative items the council has discussed in one of their standing committees. These items are referred to committee as outlined in Section 4.204 by the vice mayor or council members for review and discussion. Summaries of the committee meetings are provided by the committee chair at work session, during which any motions (action items) from the committee are brought before the full council for consideration and potentially placed on a docket.
  - c. Required business of government workflow (Figure 3.): These legislative items, including items previously referred to the docket by the council, zoning amendments, acceptance or rejection of bids, communications from the mayor (for information only), and personnel matters are files that come from the administration as routine business of government. They are processed using a legislative management software, but each file type has its own approval sequence. Files of this nature are directed to the work copy docket. The council clerk prepares the work copy docket with the approved files and distributes it. The council reviews and approves the work copy docket at work session.
- 2) The legislative workflows outlined above come before the council for review at work session through various parts of the agenda. All items approved at work session are moved to the following council meeting docket, where they receive two (2) separate readings for final approval. (Figure 4.)
- 3) It should be noted that there are exceptions to these work flows, specifically for emergency items needing approval on a short deadline. A council member may move to walk these items on at a work session or council meeting for approval.
- 4) The following figures are subject to change based on the adopted council calendar, particularly around holidays and longer breaks of meetings in the calendar.

Figure 1. Administrative Request Workflow



\* Step 3. Approval sequence includes approval from the following divisions: Grants & Special Programs, Human Resources, Purchasing, Budgeting, Law, Council Administrator

Figure 2. Council Standing Committee Workflow

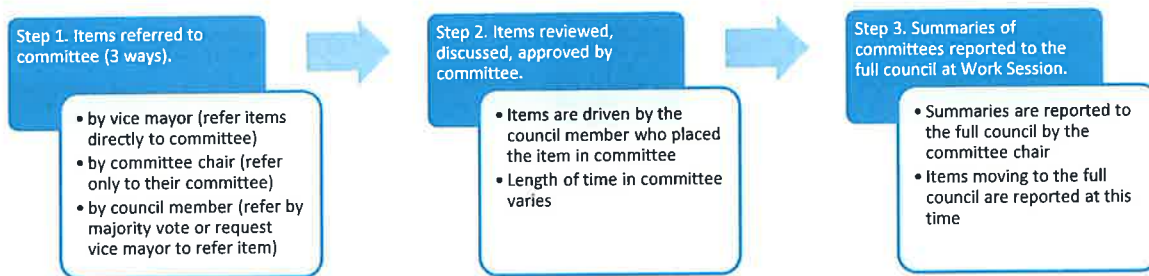
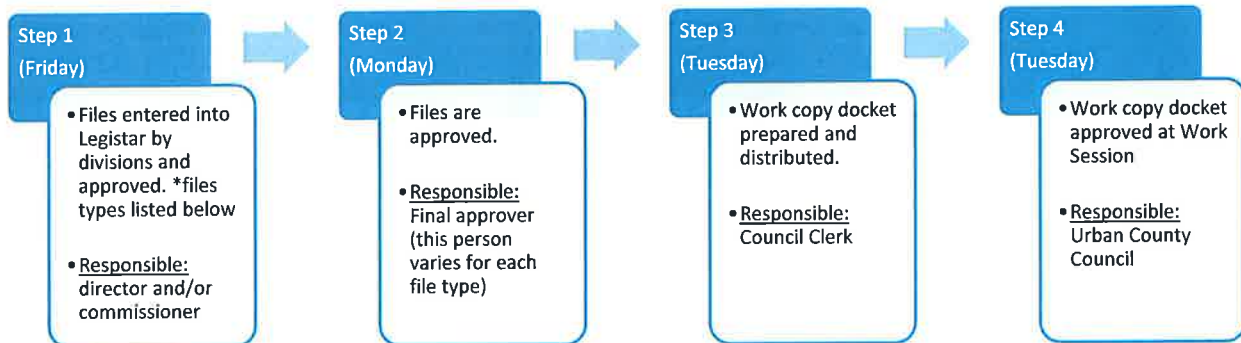
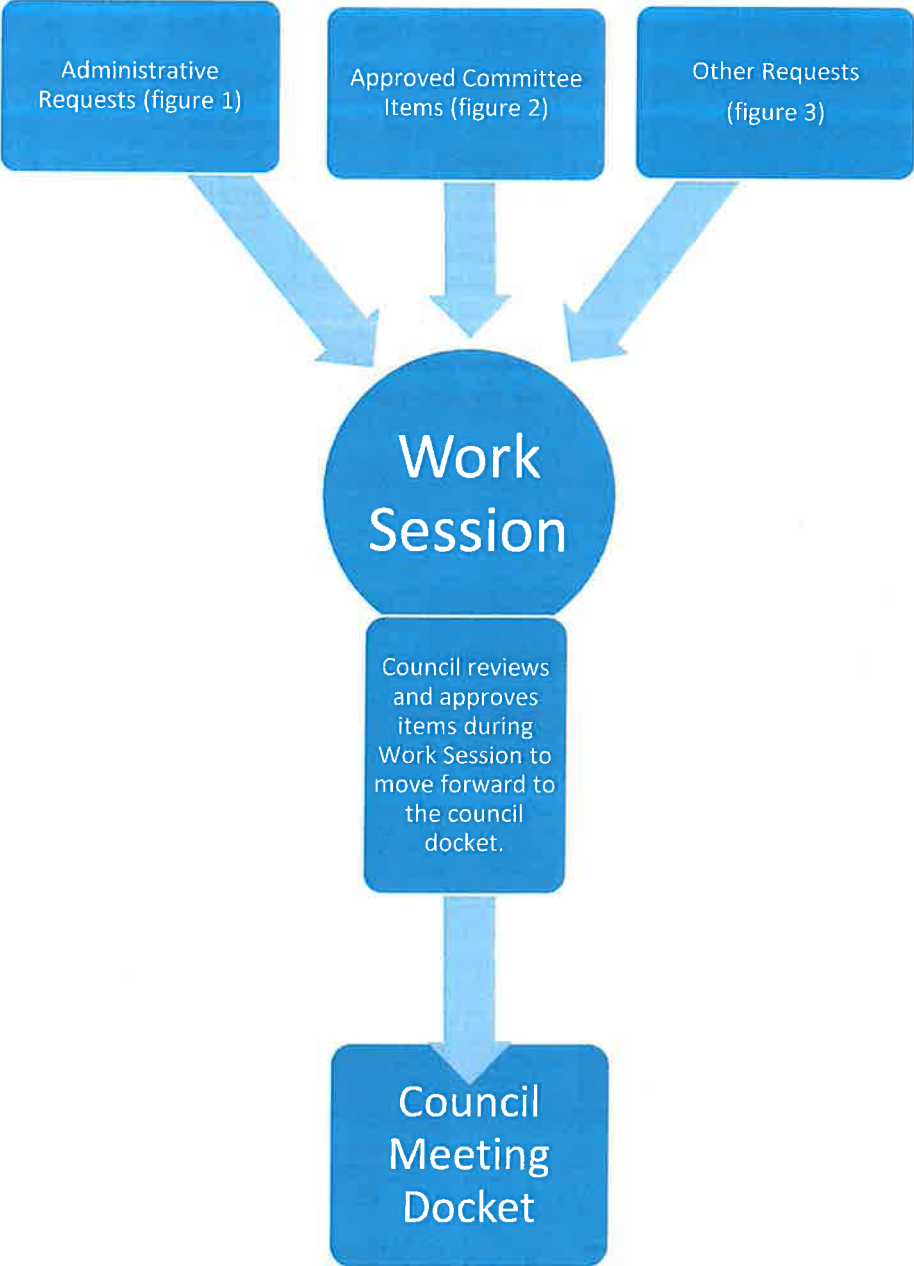


Figure 3. Other Request, Work Copy Docket Workflow



\*Step 1. File types include: items previously referred to the docket by the council, zoning amendments, acceptance or rejection of bids, communications from the mayor (for information only), and personnel matters.

Figure 4. Overall Work Flow, For All Legislative Requests





## CHAPTER III. PROCEDURES

### Section 1. Meetings

#### 3.101 Meeting Schedule

The urban county council shall meet in regular, public meetings at least twice a month. The regular meetings of the council shall be held on the dates and times specified in a schedule of meetings adopted annually by the council by ordinance. All council meetings shall be held in the council chambers on the second floor of the Lexington-Fayette Government Center, and shall be open to the public (Code Section 2-1).

#### 3.102 Regular Meetings

- 1) *Call of council; quorum.* The presiding officer shall take the chair at the hour designated for convening the urban county council for any regular public meeting or special meeting, shall then call the council to order and determine the presence of a quorum. A quorum of all regular public meetings, and special meetings, of the urban county council shall consist of not fewer than ten (10) of the fifteen (15) members of the council (Charter section 4.07). If the presiding officer determines that a quorum is not present, the presiding officer shall recess the urban county council for a maximum of thirty (30) minutes, or until the chair determines that a quorum is present, whichever occurs first. At the end of the thirty (30) minutes, if a quorum is not present, the urban county council shall not meet until its next regular public meeting, special meeting, or work session. If during any regular public meeting, or special meeting, it is determined that a quorum of ten (10) council members is not present, the urban county council shall recess for up to a maximum of fifteen (15) minutes, after which time, if no quorum is present, the council shall adjourn until its next scheduled meeting. When the call is ordered, the council clerk shall call the roll of the council members, rotating the call alphabetically at each meeting so that a different council member shall be called first each meeting.
- 2) *Order of business.* The following order of business shall apply for regular public meetings of the urban county council:
  - I. Invocation.
  - II. Roll call.
  - III. Minutes of previous meeting.
  - IV. Mayoral Proclamation. Up to two proclamations per council meeting. Council members can submit recommendations to the mayor three weeks prior to the council meeting they want the proclamation to occur. The award language must be written and submitted with the proclamation request. Groups or individuals may be recognized; such recognition/award process shall be noted in the records of the council clerk.
  - V. Ordinances:
    1. Second reading;
    2. First reading.
  - VI. Resolutions:
    1. Second reading;
    2. First reading.
  - VII. Communications from the mayor.
  - VIII. Communications from the mayor (for information only).

- IX. Public hearing (public hearings may be scheduled for an appointed time during an urban county council regular public meeting, and the regular order of business may be delayed to allow for the public hearing).
- X. Fire/police discipline – YES or NO
- XI. Comments or announcements by council members.
- XII. Public comment.

### **3.103 Special Meetings**

- 1) Except as provided in subsection (5) of this rule, special meetings shall be held in accordance with the provisions of subsections (2), (3), and (4) of this rule.
- 2) The presiding officer or a majority of the members of the council or council committee or subcommittee may call a special meeting.
- 3) The council clerk shall provide notice of the special meeting if the meeting is held pursuant to rule 3.102. The council administrator shall provide the notice if the meeting is a work session held pursuant to rule 3.104; a committee or subcommittee meeting held pursuant to rules 4.101 through 4.206; or a public meeting held pursuant to rule 3.108.

The notice shall consist of the date, time, and place of the special meeting and the agenda. Discussions and action at the meeting shall be limited to items listed on the agenda in the notice.

- 4) As soon as possible, written or electronic notice shall be delivered to every member of the body as well as each media organization that requested to receive notice of special meetings. Notice shall also be posted in a conspicuous place in the building where the special meeting will take place and in a conspicuous place in the Lexington-Fayette Government Center at least twenty-four (24) hours before the special meeting. The notice shall be calculated so that it shall be received at least twenty-four (24) hours before the special meeting.
- 5) In the case of an emergency which prevents compliance with subsections (3) and (4) of this section, this subsection shall govern conduct of a special meeting. The special meeting shall be called pursuant to subsection (2) of this section. The body shall make a reasonable effort, under emergency circumstances, to notify the members of the agency, media organizations which have requested to receive notice of special meetings pursuant to subsection (4) of this section, and the public of the emergency meeting. At the beginning of the emergency meeting, the person chairing the meeting shall briefly describe for the record the emergency circumstances preventing compliance with subsections (3) and (4) of this section. These comments shall appear in the minutes. Discussions and action at the emergency meeting shall be limited to the emergency for which the meeting is called.
- 6) Reserved.

### **3.104 Work Session**

- 1) The urban county council shall meet at the dates and times specified in a schedule of meetings adopted annually by the council by ordinance, in the council chamber on the second floor of the Lexington-Fayette Government Center, for purposes of conducting a "work session." Action taken by the urban county council at a work session is procedural in nature (See 2.201). A quorum for work sessions shall consist of not fewer than eight (8) of the fifteen (15) members of the council. The following order of business shall apply for work sessions of the urban county council;
  - I. Public comment – issues on agenda.
  - II. \*Requested rezonings/docket approval. (No item shall be placed on the docket which has not been approved at work session, either as part of the work docket or as a separate item at work session, except in case of emergency and except as limited by section 4.07 of the Charter).

- III. Approval of summary.
- IV. \*Budget amendments.
- V. Budget adjustments—for information only.
- VI. New business.
- VII. Continuing business/presentations/employee recognition. Up to two presentations are permitted per work session and each presentation shall not exceed 15 minutes; up to one presentation can be an LFUCG employee recognition.
- VIII. Council reports.
- IX. Mayor's report.
- X. Mayor's report – price contract bid recommendations.
- XI. Public comment – issues not on agenda.
- XII. Adjournment

- 2) The work session agenda shall be composed of items referred from the following sources:
  - a. Council members;
  - b. Council committees; and
  - c. Mayor.
- 3) The work session agenda, which shall also include items deferred from previous work sessions, shall be prepared and delivered on the Friday preceding the scheduled work session.
- 4) At work session, the council will take one (1) of the following steps after discussion of each agenda item:
  - a. Refer it to a council committee;
  - b. Refer it to the administration for action, report or a recommendation;
  - c. Place it on the docket of an official council meeting;
  - d. Remove, postpone, or defeat; or
  - e. No action; received as information
- 5) At the work session preceding an official council meeting, the council shall also consider, in addition to its work session agenda, a tentative docket for the upcoming meeting. This "work copy" docket is prepared by the council clerk and shall include the following:
  - a. Items previously referred to the docket by the council;
  - b. Zoning amendments;
  - c. Acceptance or rejection of bids;
  - d. Communications from the mayor (for information only); and
  - e. Personnel matters.
- 6) In the case of a requested rezoning, the council shall during work session decide whether to follow the planning commission's recommendation without a hearing; to review the planning commission record and (i) base its decision thereupon; or, (ii) hold its own hearing and base its decision both upon its and the planning commission record. In cases where more than one (1) zone change is placed on the work docket and public hearings are scheduled, the zone change applicant who filed the earliest with the division of planning shall be given preference in selecting a public hearing date, unless the planning commission hears the cases in an order different from that based on the time and date of filing the zone change request. In

such cases the order in which the planning commission decides the zone change requests shall prevail over applicants who filed earliest.

- 7) In cases where the council decides to hold its own public hearing and base its decision both upon its and the planning commission record, the council shall endeavor to schedule the hearing for a time at which at least thirteen (13) council members have indicated that they can be in attendance; provided, however, that since Charter section 4.07 states that the required quorum for all official meetings of the urban county council is only ten (10) members, the council may consequently choose to proceed with any scheduled hearing on the hearing date notwithstanding that less than thirteen (13) members are in attendance so long as at least ten (10) members are present. At the scheduled time of the hearing, the council may alternately determine to postpone the hearing to a reasonable time thereafter for the purpose of securing the attendance of at least thirteen (13) members.

### **3.105 Executive Sessions**

Executive or closed sessions may be held upon a majority vote of a quorum of the council pursuant to the limitations set forth in KRS 61.805 et seq.

### **3.106 Public Comment During Meeting**

#### **Public comment process:**

- 1) **Meetings:** Public comment is encouraged and is listed as an agenda item at every regular council meeting and council work session, for items on the agenda and general comments.
- 2) **Sign-In:** Residents wishing to speak during public comment should sign themselves in prior to the start of the meeting at which they want to speak. There are two (2) digital sign-in sheets outside of the council chamber for electronic sign-in which will be available for sign-in 30 minutes prior to the start of the meeting and 30 minutes after the start of a council work session or regular council meeting.
- 3) **Materials:** If a speaker has materials for council, they should be placed in the tray marked "materials for council" on the public comment table outside of the council chamber. Materials will be distributed to council by a council staff member. No USB devices will be accepted.
- 4) **Time:** Each speaker is allowed three (3) minutes. Members of the public who have signed up to speak may yield their three (3) minutes, when present, to another member. One speaker is allowed up to a total nine (9) minutes, including time that has been yielded.
- 5) **How-to:** When called to speak, individuals should start by stating their name and council district. At work sessions, there is an agenda item for public comment for issues on the agenda, and public comment about items on the agenda should be offered at that time. Public comment for issues not on the agenda are allowed at the end of the meeting. At council meetings, public comment will be at the end of the agenda.

#### **Public participation:**

- 1) **Dialogue:** Public comment is a time for the mayor and council members to listen to residents and receive verbal feedback for informational purposes only. Public comment is not a time for council members to engage in a dialogue with residents.
- 2) **Political Purposes:** The public comment period will not be used to make political endorsements or for political campaign purposes.
- 3) **Decorum:** Speakers shall exercise decorum during debate, conduct themselves in a courteous manner and refrain from using unbecoming, derogatory or abusive language and making personal attacks.
- 4) **Disruptions:** Disruptions in support or opposition to a speaker or idea, such as clapping, cheering, booing or hissing are not permitted in the council chamber.
- 5) **Signs & Posters:** No signs or posters that disrupt camera angles, the view of the audience, or inhibit the function of the meeting are allowed.
- 6) **Security:** For security reasons, no person, except the mayor, mayor's staff, council members, aides, council staff or anyone relevant to the meeting, shall be permitted beyond the podium or designated staff areas at any time.
- 7) **Removal:** Any person who engages in or makes threats of physical violence shall be immediately removed from the meeting.

**Any failure to adhere to these guidelines by any member of the public may result in loss of the public comment privilege at the meeting and/or removal from the meeting, as appropriate, at the discretion of the presiding officer.**

*These guidelines are provided for the orderly and civil conduct of council meetings. These guidelines apply to both the public comment period and legislative public hearings before the Urban County Council, unless otherwise provided.*

### **3.107 Distribution of Informational Material by Members of Public During Meetings**

Any person wishing to provide handouts/materials to council during a meeting, shall place them in the tray, marked "materials for council", located on the table outside of the council chamber for distribution to council by a council staff member. No USB devices will be accepted.

### **3.108 Public Hearings and Forums**

- 1) *Public hearings:* Public hearings may be scheduled by the council as required by law to receive resident comment and testimony on items under consideration by the council. Public hearings usually have formal procedures determined by the nature of the action, for example, hearings on zone changes, etc. The council clerk is responsible for providing public notification of public hearings.
- 2) *Public forum:* Public forums are requested by council for the purpose of providing a public venue for comments on issues. Procedures for conducting public forums are determined by the presiding officer in accordance with council rules and Robert's Rules of Order newly revised. The council administrator shall provide notice of the date, time and place of any public forum requested by council. The council administrator is responsible for providing public notification of public forums.

## ***Section 2. Presiding Officer***

### **3.201 Presiding Officer**

The presiding officer of the council shall be the chief executive officer of the merged government, to be known as the "mayor." As presiding officer, the mayor shall have a vote on all matters, substantive and procedural, only in the case of a tie vote among the elected members of the council. However, when voting on an ordinance or resolution and there is a tie vote among the elected members of the council, with one (1) or more members abstaining, the mayor may cast the tie-breaking vote only if those abstaining would be in a position to assist in making the decision, i.e., only if the total number of elected council members voting affirmatively and abstaining equals eight (8) or more (Example: A vote of 6-6-1 could not be broken by the mayor's vote, but a vote of 6-6-2 could be). In no case shall the mayor, as presiding officer, be denied the right of introducing, presenting or otherwise inserting into the record of the council any resolution, recommendation, or proposed ordinance. (Charter section 4.07) In the absence of the mayor, the presiding officer of the council shall be the vice mayor. The powers of the vice mayor as presiding officer of the council shall be the same as those prescribed for the mayor, except that the vice mayor shall be entitled to vote on all matters, substantive and procedural, when serving as presiding officer of the council. (Charter Section 4.07) In the absence of the mayor and the vice mayor, the next highest vote-getter among the council members at-large shall preside until the arrival of the mayor or vice mayor. While serving as the presiding officer, the council member at-large shall be entitled to vote on all matters, substantive and procedural. In no case shall the position of chair of the presiding council member at-large extend beyond adjournment of the meeting. The rules contained in this section shall govern all regular public meetings, special meetings and work sessions of the urban county council.

## ***Section 3. Rules of Debate***

### **3.301 Recognition**

Any council member wishing to address the council shall request recognition to speak by signing in to their computer work station. The chair shall recognize all members requesting recognition unless a motion taking precedence is offered.

### **3.302 Decorum**

Meetings of the council shall be conducted in an orderly manner to ensure that the deliberative process of the council is retained at all times. The presiding officer shall be responsible for maintaining the order and decorum of meetings.

No council member shall speak on any question or discuss any matter, nor interrupt another, nor make a motion without recognition from the presiding officer. No council member shall be interrupted by another without the consent of the council member who has the floor, unless it be to call them to order. Every council member shall exercise decorum during debate, conduct themselves in a courteous manner, confine their remarks to the question, and refrain from using unbecoming, derogatory, or abusive language, and shall also refrain from making personal attacks or accusations.

If any person breaches the rules of decorum in a manner that disturbs, disrupts or otherwise impedes the orderly conduct of the meeting, the presiding officer can order that person to cease the offending conduct. If any person fails to cease the behavior, the presiding officer can request the removal of that individual from the chambers.

### **3.303 Time Limit**

No council member shall speak more than twice, nor more than five (5) minutes on each occasion, upon any one (1) question in debate during the same regular public meeting, special meeting, or work session, without leave of the council, except in explanation, unless he or she is the mover, proposer, or introducer of the matter pending, in which case, he or she shall be permitted to speak in reply, but not until every other member desiring to speak shall have spoken. A council member's time begins as soon as they are called upon by the presiding officer.

### **3.304 Limit of Debate**

Debates shall be limited to that time during which a question is on the floor, with all members in attendance having an opportunity to speak. When a motion calling for the vote on the previous question is properly offered and voted on, the question under debate shall be voted on.

## *Section 4. Motions*

### **3.401 Motions: How Made, Withdrawn**

- 1) Every motion shall be made orally unless the presiding officer requests that it be reduced to writing. Except as provided below, every motion must have a mover and a second. When a motion is made and seconded, it shall be stated by the presiding officer and the mover shall have the floor. Prior to the motion being stated, the mover may withdraw the motion with no further action necessary. Once the motion has been stated, it shall be debated and disposed of by vote of the council. However, the mover may withdraw a motion after the motion has been stated by majority vote if done before the motion has been amended or before a vote thereon has commenced.
- 2) The following do not require a second and shall be decided by the chair:
  - a. To raise a question of privilege;
  - b. To call for the orders of the day;
  - c. To raise a parliamentary inquiry;
  - d. To move for a division of the assembly;
  - e. To raise a request for information; or
  - f. To raise a point of order.

### **3.402 Motions Taking Precedence**

When a question is under debate, no motion shall be considered except incidental motions or one of the following, which motions shall take precedence in the order stated:

- 1) To adjourn.

- 2) To recess.
- 3) To raise a question of privilege.
- 4) To call for orders of the day.
- 5) To lay the question on the table.
- 6) For the previous question (call for the question) (requires  $\frac{2}{3}$  vote).
- 7) To limit or extend debate (requires  $\frac{2}{3}$  vote).
- 8) To postpone to a certain time.
- 9) To commit or refer to committee.
- 10) To amend.
- 11) To postpone indefinitely.

### **3.403 Motions to Amend**

When a question is under consideration, a motion to amend and a motion to amend that amendment shall be in order, but no further motion to amend shall be in order until the disposition of that motion.

### **3.404 Motions to Adjourn or Recess**

A motion to adjourn or recess shall be in order, except as follows:

- 1) When a council member is speaking.
- 2) When an item of business is pending and a previous such motion was defeated during such pendency.
- 3) When a roll call vote is in progress.

### **3.405 Motions to Discharge or Refer**

- 1) The council may refer any item to a committee or specific administrator by a majority vote.
- 2) The council may discharge any item to the floor which has been referred to a council committee for discussion. This motion requires a two-thirds ( $\frac{2}{3}$ ) vote if notice of the motion to be proposed has not been given at the preceding meeting or in the call of the meeting.

### **3.406 Motions not Debatable**

The following motions are not debatable:

- 1) To adjourn or recess.
- 2) To lay the question on the table or to take from the table.
- 3) To dispense with reading of minutes.
- 4) For the previous question (call for the question).
- 5) To withdraw a motion.
- 6) To raise a question of privilege.
- 7) To call for the orders of the day.
- 8) To limit or extend debate.
- 9) To raise a point of order.
- 10) To divide the question.
- 11) To raise a request for information.

- 12) To suspend the rules.
- 13) To move for a division of the assembly.

### **3.407 Reconsideration and Rescinding**

- 1) The provision of this rule shall apply to action taken by the council at regular, public meetings held pursuant to rule 3.102, special meetings held pursuant to rule 3.103, and work sessions held pursuant to rule 3.104. It shall also apply to action taken by any seated committee or subcommittee of the council to consider again any matter which has been previously decided within the term of that committee or subcommittee.
- 2) Any matter which has been previously decided, within the term of any seated council, shall not be considered again without a motion to reconsider; to rescind; or to amend. However, once an ordinance amending the zone map atlas is voted on, the council shall not reconsider the matter unless ordered to do so by a court of competent jurisdiction.
  - a. *Reconsider.* The motion to reconsider is made only by one who voted on the prevailing side. Anyone can second the motion to reconsider. This motion can be made only on the day the vote was taken. If the motion is carried, the original motion is again open to discussion and vote. No question can be twice reconsidered unless it was materially amended after its first reconsideration.
  - b. *Rescind:* The motion to rescind may be made and seconded by any member of the body, and can be made at any time. However, the motion to rescind requires a two-thirds ( $\frac{2}{3}$ ) vote if notice of the motion to be proposed has not been given at the preceding meeting or in the call of the meeting. If the motion is carried, the matter previously decided shall be cancelled.
  - c. *Amend something previously adopted:* The motion to amend something previously adopted may be made and seconded by any member of the body, and can be made at any time. However, the motion to amend something previously adopted requires a two-thirds ( $\frac{2}{3}$ ) vote if notice of the motion to be proposed has not been given at the preceding meeting or in the call of the meeting. If the motion is carried, the previously-adopted motion, as amended, stands.
- 3) A motion to reconsider, rescind, or amend something previously adopted is not in order if action has already been taken which cannot be undone or changed.

## **Section 5. Voting**

### **3.501 Official Action**

Official action of the council shall be by the adoption of ordinances and resolutions only. No ordinance or resolution shall be passed until it has been read on at least two (2) separate days; except that the council may, by two-thirds ( $\frac{2}{3}$ ) vote of the members, vote to suspend the rules and proceed with the second reading, except in matters pertaining to appropriations, taxation or finance.

When a motion for second reading is made, the mover shall state why it is necessary for the matter to receive a second reading.

An ordinance or resolution may be amended at second reading by a vote of the majority of members in attendance; provided however, that a material change to an ordinance or resolution would require a new first reading. Requirements for reading ordinances or resolutions may be satisfied by public reading of the title and of a certified synopsis of the contents prepared by an attorney licensed to practice law in the Commonwealth of Kentucky. (Charter sections 4.07 and KRS 67A.070(3)).

### **3.502 Majority Action**

All ordinances or resolutions, except as otherwise provided in the Urban County Charter, shall be passed only by vote of a majority of all council members. However, when the planning commission recommends that an amendment be made to the map of the zoning ordinance, at least eight (8) council members must vote against the measure to disapprove it. In addition, when the planning commission adopts findings of fact to support approval or disapproval of zone map amendments of the zoning ordinance or makes recommendations as to regulations for the



subdivision of land, at least eight (8) council members must vote against the findings of fact or recommended subdivision regulations to disapprove or amend them. Voting on ordinances and resolutions shall be by rotational roll call vote, and the ayes and nays shall be recorded in the official record of the council which shall be maintained in the office of the council clerk. (Charter section 4.07, KRS 100.211(1) and KRS 100.273(1)).

### **3.503 Procedural Action**

Procedural action by the council shall be by a vote of a majority of all council members in attendance. Except when adopting findings of fact in zoning hearings, procedural action shall be by voice vote, unless a member of the council or the chair requests a show of hands or a roll call vote. In zoning hearings, action on findings of fact shall be by roll call vote. When a show of hands vote is conducted, the presiding officer shall announce the vote, and the vote shall be recorded.

### **3.504 Explanation of Vote**

It shall not be in order for council members to explain their votes during the call of the roll or at the time of a voice or hand vote, as explanation at this time is considered debate. When the procedure for voting is by roll call vote, or show of hands vote, a member of the council has the right to change their vote up to the time the result of the vote is announced.

### **3.505 Voting Required Unless Excused**

It is the duty of each council member present at any meeting of the council to vote on each question put up for vote by stating "yea" (yes), "nay" (no), or "abstain," except that no council member shall be permitted to vote on any question immediately concerning their private interests. Any council member who has a private interest in any matter pending before the council shall disclose such private interest on the records of the council and shall recuse themselves from participating in any decision or vote relating thereto. A council member may recuse themselves and disclose their interests orally to the council while in formal meeting or work session or in writing to the council clerk. A recused member may remain for quorum purposes only, but shall not participate in any discussion or vote on the subject. (Charter sections 116.02 and 16.03 and Code sections 25-5 and 25-6.)

Every council member who is present when a question is put, unless they are excused as provided in this rule shall give their vote in the negative or affirmative. A council member may only change their vote during the meeting in which the vote was cast if the change does not change the outcome. Otherwise, a motion to reconsider, rescind, or to amend something previously adopted would be necessary. Any council member who abstains from giving their vote shall be considered as acquiescing in the action of the majority of those who do vote. Such abstentions shall be counted with the majority.

## ***Section 6. Budget Amendments***

### **3.601 Budget Amendments**

- 1) Prior to the presentation of the final audit report in any given fiscal year, council shall not approve any budget amendment which reduces the budgeted fund balance in the current fiscal year unless the following conditions are met:
  - a. A certification is given by the chief administrative officer that an emergency exists. The certification shall set out the reason(s) an emergency situation exists;
  - b. The budget amendment request involves personnel actions which do not affect the fund balance;  
or
  - c. The budget amendment request involves a reappropriation of funds.
- 2) Any budget amendment request which does not meet the criteria set out above and which will result in a reduction of the budgeted fund balance shall be presented to the council with additional justification for the request.

## **CHAPTER IV. COMMITTEES**

### **Section 1. General Rules**

#### **4.101 Appointment of Committees**

Except in the case of ex officio members, the vice mayor shall appoint the members of the standing committees of the council and such special committees as may be established by the vice mayor or by majority vote of the council. All appointments to the standing committees shall be made for a term of two (2) years, to coincide with the terms of district council members. Appointments to special committees shall be made for the term of the committee. Except as otherwise provided herein, each standing committee shall elect its own chair, who shall appoint a vice-chair. In the event of a tie vote when electing a chair, and the committee is unable to break the tie after two (2) rounds of voting, the election of the chair shall be made by the full council by vote. The vice mayor shall serve as the chair of the committee until the full council vote is completed. In the event the chair is no longer able or willing to fulfill their role, the vice-chair will assume the role of chair and appoint a new vice-chair. The vice mayor shall designate the chair of any special committee. Ad hoc committees are a form of special committee and are subject to the same appointment and chair designation procedures as provided in this section for special committees.

#### **4.102 Standing Committees**

As soon as possible after the election of council members, the vice mayor shall make appointments to the standing committees, as required by these rules.

The standing committees shall be as follows:

- 1) Social services and public safety committee, to which shall be referred matters relating to the department of social services and its divisions, the department of public safety and its divisions, any related partner agencies, and matters relating to capital improvement projects.
- 2) General government and planning committee, to which shall be referred matters relating to the department of general services and its divisions, the division of planning, the department of law, any matter relating to the general administration of government and the divisions under the chief administrative officer, any related partner agencies, and any other matters relating to capital improvement projects.
- 3) Environmental quality and public works committee to which shall be referred matters relating to the department of environmental quality and public works and its divisions, including capital improvement projects and any related partner agencies.
- 4) Budget, finance and economic development committee, to which shall be referred matters relating to the department of finance and its divisions, and any related partner agencies, including capital projects, the urban county courts and constitutional officers, fiscal operations of the government, revenues and expenditures of the government, and organization changes which affect the fiscal operations of the government (consideration limited to operational aspects only) and to which shall be referred matters relating to economic development and related partner agencies. Additionally, this committee shall review the final audit report and management letter of the accounting firm recommended by the mayor and selected by the council to conduct the annual financial audit of the urban county government and shall report its findings concerning the same to the mayor and council for appropriate action.

The social services and public safety committee, general government and planning committee, environmental quality and public works committee, and budget, finance and economic development committee shall each consist of ten (10) council members and each council member shall serve on two (2) of these four (4) committees. The budget, finance and economic development committee shall be comprised of the vice mayor, two (2) additional at-large council members, chairs of the remaining standing committees, and additional council members as needed to reach ten (10) total members.

The chair and vice-chair of each standing committee shall attend parliamentary training, as organized by the council administrator, before the first committee meeting of their term. Parliamentary training shall be completed each term.

#### **4.103 Special Committees**

Special or ad hoc committees may be appointed or created by the mayor or vice mayor or may be created by a majority vote of council for any specific purpose proper for council consideration. The chair of a special or ad hoc committee may appoint one (1) or more members of the committee to examine particular issues within the committee's jurisdiction. Non-council members may be appointed to serve on special or ad hoc committees when assistance of others is required. When such committee is created, its task and a time frame will be established. Upon making its final report to the body that created it, such a special or ad hoc committee shall be dissolved.

Special or ad hoc committees shall adopt a schedule of meetings at their first meeting, and amend the schedule of meetings in order to add additional meetings. Notification of special meetings is required as outlined in section 3.103.

#### **4.104 Subcommittees of Standing Committees**

The chair of a standing committee may appoint one (1) or more subcommittees, consisting of one (1) or more members of the committee, to examine particular issues within the committee's jurisdiction. Subcommittees must consist of members of the committee, except when otherwise authorized by the council in cases where the committee is appointed to take action that requires the assistance of others. Subcommittees of standing committees shall be staffed by the council's core staff. The final report from the subcommittee shall be made to the committee that created it and shall have the effect of dissolving the subcommittee.

Subcommittees shall adopt a schedule of meetings at their first meeting, and amend the schedule of meetings in order to add special meetings. Notification of special meetings is required as outlined in section 3.103.

#### **4.105 Committee of the Whole**

The council may resolve itself into a committee of the whole council. The vice mayor shall be chair of the committee of the whole council, but may designate another member to preside or act as chair at such times and for such periods as they may desire. In the absence of the vice mayor, the committee of the whole council shall be chaired by the at-large member present who received the second highest number of votes in the previous general election when at-large elections were held. If no at-large member is present, the committee of the whole shall elect one of its members to serve as chair. The committee of the whole shall be charged with handling personnel matters relating to the council office staff. A quorum for the committee of the whole shall be eight (8). The budget, finance and economic development committee shall resolve itself into the committee of the whole during the review of the mayor's proposed budget and return to the original budget, finance and economic development committee structure upon adoption of the budget. If the vice mayor is absent, the current chair of the budget, finance and economic development committee shall preside.

- 1) Prior to the mayor's annual budget address, the chair of the budget, finance and economic development committee will assign council members to various link committees. The five (5) link committees (each made up of three (3) council members), are tasked with reviewing a section of the mayor's proposed budget. The chair of the budget, finance and economic development committee shall assign a chair for each link.
- 2) The link committees shall adopt a meeting schedule to meet with commissioners and division directors to review and discuss budget requests. These meetings shall be scheduled to avoid overlap so that the chief administrative officer (CAO), commissioner of finance and their staff, and the council core staff may attend.
- 3) The chair of the link committee shall report the committee findings and recommendations to the full council during a committee of the whole budget meeting (section 4.105). The chair of the budget, finance and economic development committee may determine the best process and order for the committees to report their findings.
- 4) In the event that a link makes a recommendation that requires additional funding, it shall be the responsibility of the link committee to locate the source of the funds to cover the additional expense. The full council shall vote to approve or deny any recommendation brought forward by the link committee as well as the recommended funding source.

#### **4.106 Investigative Committees (Section 4.08 of Charter)**

Council committees created under this section of the Charter will be assigned specific areas of investigation and a date set for the delivery of a final report. These committees will be dissolved when tasks are completed and recommendations are returned to council.

#### **4.107 Confirmation Committees**

A committee of the whole shall convene under this section subject to the following:

- 1) Department commissioners:
  - a. The council shall not exercise the confirmation power granted in section 5.04 of the Charter until it conducts a minimum of one (1) hearing to determine the qualifications and suitability of any department commissioner recommended by the mayor for confirmation.
  - b. Any hearing(s) held pursuant to subsection (1) shall commence within ten (10) working days of receipt of notice from the mayor recommending confirmation of a department commissioner and shall conclude within twenty-five (25) working days of receipt of notice as provided herein. Confirmation shall require a vote of a majority of the council at a regular or special meeting of the council.
  - c. All meetings held pursuant to subsection (1) shall be conducted in accordance with the provisions of section 4.105 of these rules and procedures.
  - d. Nothing in this section is to be construed as an infringement by the council upon the appointive powers of the mayor pursuant to section 5.04 of the Charter.
- 2) Other appointments:
  - a. Pursuant to Chapter 25 of the Code of Ordinances, a confirmation hearing shall be held for all individuals appointed to any of the agencies listed in Section 25-4(1), which shall not include individuals appointed to special purpose governmental entities, as defined in KRS Chapter 65A.
    - i. With the exception of special purpose governmental entities, for agencies listed in Section 25-4(1), when a vacancy exists due to death, resignation or removal, the office of the mayor shall notify the urban county council within seven (7) days of said vacancy.
    - ii. When a vacancy exists on the board of adjustment, planning commission or the ethics commission, council members are encouraged to submit nominations for consideration within seven (7) days from receipt of the notice from the office of the mayor.
    - iii. The office of the mayor shall, ninety (90) days prior to the expiration of the term of any member of the board of adjustment or planning commission, notify the urban county council of the term expiration date. Council members are encouraged to submit nominations for consideration within seven (7) days from receipt of the notice from the office of the mayor.
  - b. Prior to the confirmation hearing, the office of the mayor shall provide the council administrator with the following documents:
    - i. Application, which shall be delivered to the council administrator no later than five (5) days prior to a scheduled confirmation hearing;
    - ii. Resume, which shall be delivered to the council administrator no later than five (5) days prior to a scheduled confirmation hearing; and
    - iii. Statement of financial interest, which shall be delivered to the council administrator no later than five (5) days prior to a scheduled confirmation hearing.

- 3) All appointees to the boards, agencies and commissions covered by the provisions of article 7 of the Charter who have served two (2) consecutive full terms shall not be eligible to succeed themselves until the lapse of twelve (12) months from the end of said terms. However, such limitations shall not apply to the following:
  - a. Appointees serving initial staggered terms that are shorter in length than a full term.
  - b. Appointees serving a portion of a term after being appointed to fill a vacancy.
  - c. Ex officio members.
  - d. Members of bodies created solely by administrative action of the mayor.
  - e. Members of agencies whose appointments do not require council confirmation such as, but not limited to, the library board of trustees.
  - f. The membership of boards, agencies and commissions which cannot as a matter of law be limited as to the number of terms served.
  - g. Members of the planning commission and board of adjustment; provided however, that said members shall be eligible to serve three (3) consecutive full four-year terms after which said members shall not be eligible to succeed themselves until the lapse of twelve (12) months from the end of said terms.
- 4) Because the planning commission, the board of adjustment and the ethics commission are subject to the Ethics Act, no member appointed to one of these agencies shall be confirmed until a confirmation hearing has been conducted by the urban county council.

#### **4.108 Oversight Committees**

- 1) Oversight committees may be appointed or created by the mayor or vice mayor or may be created by a majority vote of council to examine specific governmental operations or functions proper for council oversight. Non-council members may be appointed to serve on an oversight committee when assistance of others is required. Only council members shall be voting members of an oversight committee. A quorum of an oversight committee shall be a majority of its voting members. When an oversight committee is created, it shall be given a task, which shall include its mission and purpose, and a time frame for its existence. For any oversight committee already in existence, its task and time frame shall be established within thirty (30) days of adoption of this rule.
- 2) Prior to making appointments to any oversight committee created by council or the vice mayor and whose members are appointed by the vice mayor, the vice mayor shall consider recommendations from the council and the mayor. The provisions of rule 4.101 notwithstanding, members shall serve for the life of the committee or one (1) year from the date of appointment, whichever is shorter. Members may be reappointed to the committee. The membership roster of every oversight committee shall be updated and circulated to every council member and the mayor at least once a year. The roster shall be made available to the public at all times.
- 3) Each oversight committee shall establish a schedule of regular meetings stating the time and place of each meeting and shall make an agenda for each meeting available to the public prior to the meeting. Minutes of oversight committee meetings shall be taken and shall be made available to the public and circulated to every council member no later than immediately following the next meeting of the committee. Recommendations for ordinance amendments, resolutions, or policy changes shall be presented at work session by the chair of the oversight committee.

#### **4.109 Duties and Responsibilities of Committee Chair**

- 1) Committee chairs are responsible for working with the core staff member assigned to their committee to perform the following tasks:

- a. Set committee agenda, in consultation with the core staff member assigned to the committee, at least one month in advance of the meeting date, in order to allow staff to work with department/division personnel to gather presentation materials by the required deadline (one week prior to meeting where item is to be heard),
  - b. Review summaries and recommend edits as necessary,
  - c. Approve committee packet no later than close of business on the Thursday prior to the meeting, in order to meet the Friday distribution deadline. In the event that the chair is unavailable to approve the packet (or is unresponsive to requests), the vice chair may approve materials for distribution,
  - d. Manage meeting flow: recognize committee members and non-members to speak, keep debate within the rules of order in accordance with Robert's Rules of Order and Council Rules and Procedures, maintain and preserve decorum during the meeting,
  - e. Restate and put to vote all action before the committee and announce the mover, seconder and the result of the vote,
  - f. Provide a committee report out summary at the council work session, typically at the next meeting after the committee approves the summary. Exceptions to this may be made via motion in committee to report out on a different schedule,
  - g. The chair may call a special meeting of their committee to consider items referred to it, in compliance with rule 3.103 Special Meetings and KRS 61.823.
- 2) The chair of a committee is a voting member of the committee and may make or second motions at a meeting of the committee.
  - 3) Committee chairs should be attentive and responsive to the staff member assigned to their committee in order to meet required deadlines.
  - 4) Committee chairs should not attempt to prevent items from being presented once referred or change presentation materials submitted for items on the agenda.
  - 5) In absence of the chair, the vice-chair will adhere to the above responsibilities and serve as chair of the committee as needed.

## *Section 2. Committee Rules and Procedures*

### **4.201 Quorum**

A quorum of any standing committee shall be a majority of that committee, except that in the absence of the necessary number of committee members, any council member present but not a committee member may help constitute the quorum. If more than one (1) council member who is not on the committee is present and council members not on the committee are needed to constitute a quorum, the chair shall only recognize the number of council members not on the committee as are deemed necessary to constitute the quorum. If a quorum is not present, the standing committee shall take one of the following procedural actions: 1) take measures to obtain a quorum including recessing for a specified period of time; 2) fix the time which to adjourn; or 3) adjourn. If it is determined that a quorum is not present, the chair of the standing committee shall recess for up to a maximum of fifteen (15) minutes, after which time, if no quorum is present, the committee shall adjourn until its next scheduled meeting.

### **4.202 Meetings**

Standing committees may schedule at least one (1) regular meeting each month. A schedule of meetings, including the dates and times of standing committees, shall be adopted annually by the council by ordinance. All standing committee meetings shall be held in the council chambers on the second floor of the Lexington-Fayette Government

Center, and shall be open to the public. Any standing or special committee or subcommittee may call special meetings in compliance with rule 3.103 and KRS 61.823.

#### **4.203 Attendance**

Each council member is expected to attend every regular or special meeting of each standing or special committee to which they are appointed, unless they have notified all council members and staff of a pending absence following the procedure listed in rule 1.103. Every council member may attend any meeting of any committee of which they are not a member and participate in discussion and offer comment, but may vote only when their attendance is necessary to constitute a quorum. However, any time a noncommittee member is counted as part of the quorum for a committee meeting, they shall be permitted to vote, make motions and otherwise actively participate during the remainder of that meeting notwithstanding the subsequent arrival of a committee member or members.

#### **4.204 Reference of Matters to Committee**

The vice mayor may refer any item directly to committee. The chair of a standing committee may refer any item to their standing committee. Any council member may request the vice mayor to refer items to committee. Otherwise, items shall be referred to committee by a majority vote. This notwithstanding, the council may at any time consider and act on any matter referred to committee. All items which are sent directly to committee through the vice mayor should be included as information in the packet and notice given at work session. Once a council member refers an item to committee, the council member should follow-up with council core staff.

#### **4.205 Reports**

Any permanent or standing committee of the urban county council to which a proposal has been referred shall report to the urban county council upon each such proposal, either with or without a recommendation unless the urban county council shall withdraw the proposal or reassign it. After any hearing by the committee upon a proposal, the chairperson of the committee shall submit a formal report of the committee's action, in writing, to the council. The report shall include any recommendations supported by a majority of the committee and may, upon request of any member of the council, include a minority position. A summary of the report may include these action items with brief remarks on items discussed. Copies of all committee reports shall remain on file in the council office. The committee report of action may be part of the committee minutes or summary, copies of which shall be distributed to all council members and filed in the council office. (See 2.201).

#### **4.206 Presentation to Committee**

Any person making a presentation to a committee of the urban county council shall provide the council administrator, or staff assigned to the committee, with an electronic copy of the presentation by the close of business the Tuesday prior to the scheduled meeting date. Failure to provide the requested materials may result in postponement of the presentation.

## ***CHAPTER V. PARLIAMENTARY PROCEDURE AND APPLICATION OF RULES***

### ***Section 1. Parliamentary Procedure and Application of Rules***

#### **5.101 Parliamentary Authority**

Questions of parliamentary procedure not covered by these rules shall be governed by Robert's Rules of Order Newly Revised. The parliamentarian of the council shall advise the presiding officer with respect to parliamentary procedure and the proper application of these rules to the business of the council. The parliamentarian of the council shall attend parliamentary training as organized by the council administrator prior to being appointed parliamentarian of the council. This training shall be renewed for each appointment term.

#### **5.102 Effect of Rules on Legislation**

No ordinance, resolution, or action duly passed, adopted, or taken by the council shall be held to be invalid because of failure of the council to comply with or abide by any one (1) or more of the provisions of these rules if such ordinance, resolution or action would otherwise be valid under the Charter or ordinances of the urban county government or laws of this state.

### **5.103 Suspension of Rules**

These procedural rules may be suspended by a two-thirds vote of the council members in attendance at any regular public meeting, special meeting, or work session. If a rule is suspended, a majority of the members present shall decide the procedure to follow in lieu of the suspended rule.

### **5.104 Amendment of Rules**

No 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 council members through an amending resolution.



## ***SUPPLEMENT A. ROLE OF CITIZENS' ADVOCATE***

### ***Section 1. Guidelines for the Office of Citizens' Advocate***

#### **A.101 Charter**

WHEREAS, section 4.11 of the Charter, Lexington-Fayette Urban County Government, sets forth that the urban county council shall appoint a citizens' advocate to provide the residents of Fayette County with an independent agent through whom they can seek redress of their grievances; and

WHEREAS, it is the intent of this Charter provision that the citizens' advocate function as an ombudsman so that a resident of Fayette County aggrieved by the action or inaction of an official, agent or employee of the urban county government may be able to state their grievance to an official functionary empowered to investigate and express recommendation; and

WHEREAS, an integral function of the office of the citizens' advocate is to inform the urban county council of the activities of the citizens' advocate; and

WHEREAS, the citizens' advocate must necessarily deal with executive and administrative personnel within the urban county government in the performance of their duties; and

WHEREAS, it is advantageous to establish a procedure within the urban county government for response to requests from the office of the citizens' advocate, in order to maximize efficiency and speed the resolution of grievances, and to prevent disruption of governmental service; and

WHEREAS, it is necessary and proper to enumerate and clarify the duties of the citizens' advocate to effect the primary purpose of the office of the citizens' advocate: the remedy of residents' grievances.

#### **A.102 Investigations**

- 1) As used in this section, the term "complainant" shall mean any person, including an officer or employee of the urban county government, who has lodged a complaint with the citizens' advocate, whether on behalf of themselves, or any other person.
- 2) The citizens' advocate shall handle all complaints as promptly and efficiently as possible, by observing the following minimum procedures with respect to the complainant:
  - a. The citizens' advocate shall solicit information from the complainant as to which department, office, officer or employee of the urban county government they feel is responsible for the problem. If it appears to the citizens' advocate that such department, office, officer or employee may in fact be responsible for the problem, the citizens' advocate shall request information from the supervisor in question pursuant to the procedure contained in A.102(3).
  - b. The citizens' advocate shall make the initial inquiry or commence the necessary research on each complaint no later than the next working day following its receipt, unless the work load of their office is such that this is impossible. In the latter case, the citizens' advocate shall begin work on the request as soon as their schedule makes it possible to do so.
  - c. The citizens' advocate shall attend all meetings of urban county government bodies, boards, agencies and commissions, committees thereof, and staff meetings, as may be required to make investigations, disclosures or recommendations concerning resident complaints.
  - d. In all cases, the citizens' advocate shall advise the complainant concerning the disposition of the problem as soon as the matter is resolved. In no case shall the citizens' advocate fail to make at least a status report on the matter to the complainant within fifteen (15) days of receipt of their complaint. The citizens' advocate shall continue to make status reports to the complainant at least every fifteen (15) days thereafter, until the matter is resolved.
  - e. In formulating recommended policies pursuant to section A.103(1)(g), the citizens' advocate shall consult and work with those complainants who have made related complaints. The citizens'

advocate shall advise those complainants of any subsequent recommendations they shall make to the urban county government.

- 3) The citizens' advocate shall consult with experts in the field of data collection and utilization and develop a flexible, administrative procedure to be followed by all urban county government executive and administrative personnel, for the handling of responses to requests from the office of the citizens' advocate. This administrative procedure shall reflect the following:
  - a. All requests from the citizens' advocate shall be directed to the supervisor of the department or office out of which the matter arises or their designee. Supervisor shall mean the mayor, in the case of the office of the mayor; the chief administrative officer, in the case of the office of administrative services; department commissioners, in the case of urban county government departments; and the highest ranking official or employee, in the case of any other government office or agency.
  - b. In the absence of prior authority to do so by their supervisor, employees of the urban county government shall not, during working hours, deviate from their normal routine to respond to requests from the office of the citizens' advocate. However, it shall be the responsibility of each supervisor to make full and adequate provision for responding to all requests of the citizens' advocate.
  - c. The procedure shall permit executive and administrative personnel in the urban county government a reasonable time to investigate and respond to complaints of a grievance nature.
  - d. The citizens' advocate should attempt to resolve residents' complaints of a grievance nature by exhaustion of the administrative procedure established herein prior to public disclosure of abuses or irregularities on the part of the urban county government, its officers, agents or employees.
  - e. This procedure may be modified or altered on a case-by-case basis by the urban county council to ensure the reasonable resolution of resident complaints of a grievance nature.
- 4) The citizens' advocate shall not:
  - a. Have the power, for or on behalf of their office, to initiate lawsuits against the urban county government.
  - b. Spend funds for legal services to represent residents or the office of the citizens' advocate unless specifically authorized to do so by the urban county council.
  - c. Represent any resident, including officers or employees of the urban county government, in any type of legal or administrative proceedings. They may, as in the case of any other resident, investigate a complaint by an urban county government officer or employee.
- 5) The jurisdiction of the office of the citizens' advocate in investigating complaints is limited to complaints by residents of Fayette County and complaints concerning the actions of the urban county government, its officers, agents or employees.

### **A.103 Disclosures and Recommendations**

- 1) The citizens' advocate shall prepare and present to urban county council written reports on a quarterly basis. The quarterly report shall be delivered to the office of the urban county council no later than fifteen (15) days after the end of each quarter. It shall contain the following information for the immediately preceding reporting period:
  - a. The total number of resident contacts received by the office of the citizens' advocate.
  - b. The number of resident contacts broken down into: requests for information; requests for assistance; complaints expressing a grievance against the urban county government, its officers, agents or employees; and inquiries not-within the scope of the office of the citizens' advocate which are referred outside the urban county government.

- c. The total number of resident complaints expressing a grievance against the urban county government, its officers, agents or employees which have not been resolved and are in a "pending" status.
  - d. A summary of all resident contacts which were not fully satisfied within fifteen (15) working days of receipt including both those which have been satisfied and those which have not been satisfied by the date of the report. For those which are satisfied by that time, the report should include a brief statement as to the nature of the solution. For those which are not satisfied by that time, the report should include a recommendation to the urban county council for the disposition of such complaints.
  - e. Identification of trends in resident contacts in each category noted in subsection (b) above.
  - f. Disclosure of any abuses or irregularities on the part of the urban county government, its officers, agents or employees.
  - g. Recommended substantive or procedural policies as may be required to reduce or eliminate problems of resident access to departments, divisions, agencies and officers of the urban county government. The report should also discuss any general questions the citizens' advocate has concerning the responsibilities of each.
- 2) The citizens' advocate shall prepare and present to the urban county council in work session an annual written report. The annual report shall be delivered to the office of the urban county council no later than January 31, following the end of the year for which the report is given. It shall contain a summary of trends and profiles in community needs and problems as evidenced by the data collected by the office of the citizens' advocate through the year.
  - 3) The citizens' advocate shall develop adequate data gathering processes, including standardized reporting forms, so that their office will be able to present the data it has collected in a manner that will enable the urban county council to recognize trends and profiles of community needs and problems. They shall furthermore consult with the substantive or procedural policies which may reduce or eliminate the problems of resident access to the departments, divisions, agencies, officers and employees of the urban county government.
  - 4) The citizens' advocate shall inform the urban county council of any problems encountered in investigating any complaints of abuse or irregularity on the part of the urban county governments, its officers, agents or employees.

## ***SUPPLEMENT B. COUNCIL GUIDELINES FOR USE OF OTHER LFUCG DEPARTMENTS***

### ***Section 1. Guidelines for the Use of Law Department Personnel***

#### **B.101 Guidelines for the Use of Law Department Personnel**

- 1) The managing attorneys, under administrative direction of the commissioner of law are responsible for the department of law's preparation of ordinances, resolutions and legal advice. In the performance of these functions, the managing attorneys shall serve as liaison between the council and the department of law.
- 2) All requests for ordinances, resolutions and legal advice shall be made in writing to the commissioner of law. However, in the following circumstances only; such requests may be made orally:
  - a. Simple or routine matters that can be readily handled off-hand, such as photocopying of documents, location of a particular statute, etc.;
  - b. Emergencies; or
  - c. When time requirements make it impracticable, such as during a council meeting, etc.

When oral requests are made, they should, if possible, be directed to the commissioner of law or managing attorneys. In their absence, requests should be made to the senior staff attorney present at the time the matter arises.

- 3) Every written request should contain the following information:
  - a. Whether an ordinance, resolution and/or legal advice is sought;
  - b. The factual situation, if any, which has given rise to the request;
  - c. Whether the attorney assigned to work on the request should contact the council member before beginning work; and
  - d. The deadline for completing the project.
- 4) In the event of delays or questions concerning projects underway in the department of law, council members should consult either the commissioner of law or managing attorneys.
- 5) All ordinances and resolutions will usually be prepared by the department of law upon the written request of any council member. All ordinances and resolutions not prepared by the department of law shall be timely submitted to said department for review before delivery to the council clerk for first reading.
- 6) The managing attorneys on a rotational basis, shall be present at all official meetings of the council. In the case of work sessions or committee or subcommittee meetings, an attorney will be present if either (a) their attendance is requested or (b) a project on which they have worked is scheduled for discussion.

### ***Section 2. Guidelines for Use of Lex TV Services***

#### **B.201 Guidelines for Use of the Government Access Cable Channel, Web Stream, and Online Video Archives**

- 1) The government access channel, web stream, and LFUCG internet video archives (all hereinafter referred to as "Lex TV Services") are available to all divisions of the urban county government and its satellite agencies. The priorities for programming will be first with the divisions of the urban county government followed by the satellite agencies and constitutional offices of Fayette County. Accommodations for programming and approval for services will be made by the video production supervisor.
- 2) Meetings of the council held in the council chamber will be televised and web streamed simultaneously unless otherwise requested by the vice mayor or their designee.

- 3) All televised/web streamed urban county government meetings will be broadcast in an impartial manner. All meetings will be covered in their entirety.
- 4) Each council member will be allotted one program of up to fifteen minutes in length per month, disseminated on all Lex TV services. Multiple programs may be produced during a one-month period, but only one may be disseminated via Lex TV services during a thirty-day period. The thirty-day period begins when a new program is first disseminated via any Lex TV service. Any public rebuttal will be directed to the public access channel or the public comment portion of a council meeting.
- 5) Each council member will be allotted one special program per calendar year. A special program is defined as a live or live-to-tape program or news conferences and is limited to a maximum of five hours of set up and program time combined. Special programs may be at a remote location outside the government center. In order for a program to be televised and web streamed live, it must take place in a location with existing infrastructure allowing for a live telecast. Request for special programs will require a minimum of a thirty-day notice to the video production supervisor and will be honored based on availability of staff and equipment. If the special program takes place outside of normal business hours, program production availability may be subject to available overtime funds and availability of staff. The program may run periodically for up to 90 days within a 12 month period.
- 6) Council members involved in a primary election or general election are prohibited 30 days prior to the election from appearing on the Lex TV services in any way other than the participation in meetings of the council and urban county government news conferences. All existing videos on any online video archive services will remain public.
- 7) Constitutional officers of Fayette County will be afforded time on the Lex TV services to fulfill their official duties. Requests for time on the Lex TV services will be honored at the approval of the video production supervisor and determined by the workload of the staff and availability of equipment. The administrative and legislative branches of the urban county government will have priority in the use of the Lex TV services. Elected constitutional officers are restricted from using the Lex TV services for a period of thirty days prior to any primary election or general election with the exception of LFUCG emergency news conferences. All existing videos on any online video archive services will remain public.
- 8) The mayor of the urban county government will be granted time on the Lex TV services as necessary to fulfill the duties of their office. Appearances on the Lex TV services other than in urban county government meetings or news conferences will be restricted for a period of thirty days prior to a primary election or general election. All existing videos on any online video archive services will remain public.
- 9) Regarding digital materials for council comment or reports during official meetings:
  - a. All images must be sent to Lex TV three (3) hours prior to the start of the meeting.
  - b. All materials must be numbered in the order the council member wishes to present them.
  - c. All materials should be emailed to [gtv3@lexingtonky.gov](mailto:gtv3@lexingtonky.gov)
- 10) LexTV does not loan out production equipment.
- 11) These guidelines are subject to review and changes by request of the chief administrative officer and approval by the urban county council.

# ***SUPPLEMENT C. Neighborhood Development Funds and Capital Projects Policy***

## ***Section 1. Rules and Procedures for Neighborhood Development Funds***

### **C.101 General**

- 1) The urban county council may allocate neighborhood development funds (NDF), on recommendation of any member, to incorporated non-profit organizations for any lawful public purpose in the best interest of and for the use and benefit of the community.
- 2) A council member may choose to donate NDF funds as a single allocation directly from their NDF balance, or solicit the entire council for donations via a group request also known as a "pass around."
- 3) Monthly NDF process timeline: NDF funds will be approved by council at the last work session of the month. NDF requests shall be submitted to the council administrator ten (10) days prior to the last work session of the month.
- 4) The following entities are eligible to receive NDF allocations if they are incorporated non-profit organizations, in good standing with the Secretary of State:
  - a. Neighborhood associations;
  - b. Parent-teacher organizations;
  - c. Public purpose civic Organizations;
  - d. Urban County Government operating divisions for special projects;
  - e. Other incorporated non-profit public purpose groups.
- 5) The following entities are not eligible to receive direct NDF allocations:
  - a. Fayette County school system;
  - b. Established religious organizations (general "public purpose" uses may be considered in consultation with the department of law)
  - c. Any for-profit organization.
- 6) No council member shall make an NDF contribution, or vote on resolutions related to NDF allocations, within 30 days prior to any election in which they are on the ballot.
- 7) In an election year, any council member leaving office, or facing opposition may utilize up to 50% of their overall budget, including NDF funds. The remaining 50% will be replenished after the election for use by the successful candidate.

### **C.102 NDF Application Process**

- 1) Council member(s) receive(s) a request from an organization.
- 2) Entities can apply to receive an NDF by submitting a form which requires the following information:
  - a. Entity's correct address
  - b. Entity's contact information
  - c. The sponsoring council member's name and district
  - d. Proof of good standing with the Secretary of State
  - e. Justification for the intended use of funds. This should also include any supporting documents such as quotes, invoices, bids, etc.

- 3) Each council member receives an email as requests are submitted for sponsorship. The legislative aide then confirms the accuracy of entity's submitted information. The legislative aide will prepare all requests for their council member's review. Once the council member selects which submissions they would like to fund, those applications and an internal NDF request form will be submitted as a hard copy and via email to the council administrator no later than ten (10) days prior to the last work session of the month. They will specify if it is intended to be a single allocation or pass around. If it is a pass around, a packet will be shared with the full council.
- 4) The council will vote during a work session to approve the NDF list and refer it to the docket. The council administrator will process NDF requests after second reading (or process a budget amendment in the event that the recipient is a division of the LFUCG).
- 5) The council administrator prepares a legal agreement in consultation with the Department of Law that outlines the intended use of the funds and required documentation. This agreement must be signed and returned to the council administrator prior to the issuance of the NDF check. If the agreement is not signed and returned in thirty (30) days, the funds will be forfeited and the entity will be ineligible for funds for one (1) year. A copy of the fully executed agreement is kept in the council clerk's office and a copy is returned to the organization for their records. The council clerk obtains a signature from the mayor and places the LFUCG seal on all copies. The council clerk then retains a copy for their file and routes the additional copy to the council administrator to be sent to the organization along with the check.
- 6) Once approved at the work session, the NDF process could take up to 4-6 weeks and is tracked by the council administrator. The expense is reflected in individual council members' cost centers under NDF account number 71214. The council budget analyst, or the council staff member responsible for performing budgetary analysis, sends a monthly cost center report to the council member and their legislative aide. These reports may be pulled at any time during the month by the legislative aide in PeopleSoft Financials. The legislative aide is responsible for monitoring the cost center report for accuracy, balance tracking and communicating status to their council member. Due to processing time, an NDF expense may not show up in the PeopleSoft reports right away. It is recommended that legislative aides reference the NDF file for status updates and contact the council administrator for questions regarding current balances.
- 7) Once the entity receives the NDF check, they have six months to submit all relevant receipts and financial documentation to the sponsoring council member office. Failure to provide documentation will make the entity ineligible to receive funds for one (1) year. Failure to deposit the check within sixty (60) days will make the entity ineligible to receive funds for one (1) year. The council member office will provide a financial summary of each NDF recipient to the council administrator within fourteen (14) days of receiving documentation from the entity.

## ***Section 2. Council Capital Project Expenditure Policy***

### **C.201 Council Capital Project Expenditure Policy**

In fiscal years in which funds are available and funds have been appropriated to the council office budget for council members to support capital projects, the following policy shall be used to govern the expenditure of said funds.

#### **1) *Appropriation of funds:***

In fiscal years in which funds are available, the council may appropriate funds to the council office budget for projects. Each council member shall be allotted 1/15<sup>th</sup> of the total funds appropriated.

No council member running for election may make a project expenditure within thirty (30) days prior to any election; however, this provision shall not apply to council members who are unopposed.

In an election year, any council member leaving office, or facing opposition may only utilize up to fifty (50) percent of their overall budget, including funds for capital expenditure projects. The remaining fifty (50) percent will be replenished after the election for use by the successful candidate.

Once approved, all projects must be encumbered within twelve (12) months of receipt.

2) *Definition of appropriate expenditures:*

In order to qualify for project expenditure, funds used to support Urban County Government projects must be one-time expenditures (not recurring or ongoing expenses).

3) *Definition of capital project*

A capital project is a long-term, capital-intensive investment to build upon, add to, or improve a capital asset. A capital asset is an item, object, thing, or real estate property owned by the City and includes, but is not limited to, City-owned buildings, parks and open spaces, vehicles, equipment, structures, or part thereof, events, services, programs, activities, and intellectual property.

4) *Matching funds:*

It is within the discretion of the council member making the project expenditure allocation to determine whether to require the entity receiving the allocation to provide matching dollars to support its capital project.

A council member soliciting project expenditures from other council members shall indicate whether a match will be required.

Project fund allocations specifying matching dollars may be made at a ratio stipulated by the council member initiating the request.

5) *Allowable project expenditures:*

The only allowable expenditures are for internal governmental projects. Funds from the council project expenditure account shall be allocated to a department or division of the Lexington-Fayette Urban County Government.

The process for appropriating funds to another department or division of the Lexington-Fayette Urban County Government is as follows:

- a. A council member may receive a request from a department or division of the government for a project expenditure appropriation or a council member may, on their own, initiate a project expenditure allocation to a particular department or division.
- b. At least eight (8) days prior to the work session in which the proposed project expenditure allocations are presented, the following information shall be provided to the council administrator:
  - i. Department or division receiving the allocation;
  - ii. Description of the project;
  - iii. Amount of funds to be allocated;
  - iv. Accounting string for transfer of funds;
  - v. Project commencement date;
  - vi. Project completion date.
- c. The council administrator or their designee will be responsible for preparing a budget amendment to transfer the funds from the council office to the department or division.
- d. The commissioner and/or division director of the department and/or division receiving the funds shall be responsible for ensuring that the project is completed on time and provide updates to council related to any timeline changes.



## ***SUPPLEMENT D. COUNCIL BEST PRACTICES***

### ***Section 1. RESERVED***

### ***Section 2. Taking and Vacating Office***

#### **D.201 Taking Office**

Incoming council members will have access to their new office by the first day of their term. Offices are assigned by the Vice Mayor. It is encouraged that the incoming council member and the outgoing council member communicate to transition the office.

#### **D.202 Vacating Office**

Council members must vacate their office and return all credentials to the council administrator no later than the last date of employment. Upon vacating office, all previous council members must remove all reference to their official title from their social media accounts if they have not transitioned the account to their successor. All items purchased with government funds are the property of LFUCG and must be left in the vacating council member's office or returned to the council administrator. It is encouraged that the incoming council member and the outgoing council member communicate to transition the office.

### ***Section 3. Additional Reference Documents***

#### **D.301 Additional Reference Documents**

Additional reference documents can be found with the council administrator or with council files. Example documents include election rules, general legislative aide job description, etc.

### ***Section 4. Council Brand Standards***

#### **D.401 Brand Standards**

Each council office has the opportunity to purchase council district branded items, which will be taken out of their office budget. Council members are allowed to use LFUCG branding but must adhere to LFUCG's branding guidelines because of a formal contract with VisitLex. The full policy regarding the City brand and logo standards are found in CAO Policy 57. The full branding guide can be found on the webpage for the Public Information Office on the city's website. The branding guide contains information regarding the formatting of business cards, letterheads/stationary, email signatures, and presentations/PowerPoints.