

ORDINANCE NO. _____, SERIES 2022

AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 42 OF THE LOUISVILLE METRO CODE OF ORDINANCES ("LMCO") RELATING TO THE REQUEST FOR PROPOSAL ("RFP") PROCESS FOR GOLF COURSE MANAGEMENT AND TO THE PROCESSES AND PROCEDURES NECESSARY TO CLOSE, REPURPOSE, LEASE, OR SELL A METRO-OWNED GOLF COURSE.

SPONSORED BY: COUNCIL MEMBER CINDI FOWLER

WHEREAS, Metro Council believes the community's interest in preserving golf may be best served by clarifying both the RFP process for golf course management, and the process for closing, repurposing, leasing or selling a Metro-owned golf course.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("COUNCIL") AS FOLLOWS:

SECTION I. Section 42.43 of the Louisville Metro Code of Ordinances is hereby amended as follows:

§ 42.43 MANAGEMENT OF METRO-OWNED GOLF COURSES.

Every four years, Metro Parks shall compile a benchmarking report of Louisville Metro-owned golf courses for the purpose of equipping Louisville Metro to make informed decisions regarding golf operations. The report should review or evaluate eight to 12 other municipal golf operations and semi-public/private courses within municipalities that are comparable to the Metropolitan Statistical Area (MSA) of Metro Louisville.

Metro Parks shall contract with a private entity or person for the management of any Metro-owned golf courses by December 31, 2019. The following restrictions must be contained in any future request for proposal and subsequent contract executed for the management of the property:

(A) The person or entity must be or employ a Class A PGA Member (“Pro”) to manage each Metro-owned public golf course, or, for Metro-owned nine-hole courses only, an entry level PGA Pro, who: (1) shall have commenced the process to acquire Class A PGA Membership prior to the execution of any Metro golf course management contract; and (2) shall provide sufficient evidence of continued enrollment in the PGA program to Metro Parks on a biannual basis; and (3) shall complete such accreditation within two years of execution of the contract. PGA Professionals shall be provided the opportunity to submit proposals on all individual Metro-owned public golf courses. Pros in the process of acquiring Class A PGA Membership as outlined herein may submit proposals on Metro-owned nine-hole golf courses;

(B) The person or entity may manage two courses with a maximum equaling no more than 27 holes - unless there is a death or separation of employment and another Pro fills in on an interim basis during the transition period to keep the Metro-owned golf course open while Metro seeks to fill the vacant position;

(C) The person or entity may not manage another competing course, whether private or semi-private, while maintaining a contract to manage a Metro-owned public golf course;

(D) The person or entity shall employ staff to manage the clubhouse, concession stand, and golf carts as well as hold all applicable licenses and certifications (Liquor license, insurance, Health Department, Revenue Commission, etc.).

(E) The person or entity may close the course during the months of December, January, and February with the exception of Seneca, Vettiner, Iroquois and Quail Chase all of which are to remain open during the Winter Season. The person or entity at Seneca, Vettiner, Iroquois, and Quail Chase may close on any given day due to inclement weather.

(F) The person or entity shall provide quarterly reports for each golf course to the Parks and Sustainability Committee of the Metro Council, or its successor. Reports shall, at a minimum, include the following:

- (1) Hours of operation;
- (2) Rounds of golf played;
- (3) Revenue from all sources;
- (4) Number of reservations;
- (5) Number of passes used;
- (6) Number of scrambles benefiting non-profits played at each course; and
- (7) All costs associated with maintaining greens and grounds.

(8) An itemized breakdown of all revenue, expenses, and profits associated with the operation of the clubhouse and pro shop, including, without limitation, concession standards, golf carts, merchandise, scrambles, and lessons.

~~—(9) Any person or entity managing a Metro-owned Golf Course during the 2019 season who bids on a RFP for the management of a course for the 2020 season must provide an itemized breakdown in accordance with § 42.43(F)(8) for January 1 through September 30 for the year 2019.~~

(G) If applicable, the preferences for local businesses as set forth in §§ 37.01 - 37.04 shall be observed in the consideration of bids on the management of Metro-owned golf courses.

(H) ~~Effective 2019,~~ a A new RFP shall be required every five years for each golf course. An exception shall be provided if a person or entity is provided a two year

extension. The RFP shall be let for golf course management only and will include all Louisville Metro Municipal Golf Courses.

(I) All proposed contracts for the management of Metro-owned golf courses shall be submitted to the Council in the form of a resolution for approval.

(J) No Metro-owned golf course shall remain closed, temporarily or otherwise, due to a lack of a contract with a private entity or person. If, for any period of time, a golf course lacks private management then Metro Parks shall manage and maintain the course until a suitable management contract is in place.

SECTION II. Section 42.44 of the Louisville Metro Code of Ordinances is hereby amended as follows:

§ 42.44 METRO COUNCIL APPROVAL REQUIRED TO CLOSE, REPURPOSE, LEASE, OR SELL A METRO-OWNED GOLF COURSE.

Metro Parks may not permanently close any Metro-owned golf course; repurpose the land of any Metro-owned golf course; and/or lease, sell, or dispose of the property of any Metro-owned golf course without prior Metro Council approval through the following process:

(A) Prior to proceeding with the requirements in subsection B-E of this Ordinance, Metro Parks shall, after written notice to the Metro Council:

1) solicit proposals for intended use of the property if the land is to have some other use than as a golf course,

2) evaluate those proposals and

3) select a proposed awardee of a contract for the intended repurposed use, subject to the Council's approval as provided in subsections (B)-(E) below.

(B) Metro Parks must hold at least two public hearings to discuss the proposed closure, repurpose, lease, sale, or disposal of the Metro-owned golf course, with at least one public hearing held at a location in close proximity of the named Metro-owned golf course. Notice of the public meetings must satisfy requirements in KRS 61.823. After the public hearings, Metro Parks must request approval from Metro Council to permanently close the named Metro-owned golf course.

(C) Metro Parks must request approval from Metro Council to repurpose the land of any Metro-owned golf course or lease, sell, or dispose of the property of any Metro-owned golf course.

(D) The following information and documents must be filed with Metro Council for review and consideration of any request to permanently close, repurpose, lease, sell and/or dispose of a Metro-owned golf course:

(1) The ~~public interest~~ reasons Metro Parks requests a permanent closure, repurpose, lease, or sale of the named Metro-owned golf course along with any supporting documentation;

(2) The intended use of the property, if the land is to be repurposed;

(3) Notice of the public hearings; and

(4) The financial records for the named Metro-owned golf course since March 1, 2020. ~~for the past ten years.~~

(E) Metro Council approval requires a majority vote to permanently close, repurpose, or lease, sell and/or dispose of a Metro-owned golf course.

SECTION III: This Ordinance shall take effect upon passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

David James
President of the Metro Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____
O-208-22 Golf Course Ordinance RFPs and Repurposing V.1 pr-hh 6-21-22