

**RULES OF THE
LEGISLATIVE COUNCIL OF THE
“LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT”
~~“THE COUNCIL”~~**

SECTION	TITLE	PAGE #
1	ORGANIZATION OF THE COUNCIL	<u>21</u>
1.01	Establishment of Rules, Council Rules Supremacy, Headings/Titles, and Amendments	1
1.02	Term Lengths and Elections	1
1.03	Oath of Office	2
1.04	Majority Constitutes Quorum; and Enforcement of Attendance	3
1.05	Election of the President	3
1.06	President’s Term and Filling of Presidential Vacancy	3
1.07	Majority Caucus Leader to Serve as President Pro-Tem	3
1.08	Powers of the Council	4
1.09	Council Jurisdiction	4
1.10	Clerk of the Council; Clerk’s Duties; and Official Record Custodian	4
1.11	Clerk Pro-Tem to Serve in the Absence of the Clerk	5
1.12	Seating Arrangement for Council	5
1.13	Adjournment of Organizational Meeting	5
1.14	Council Rules, Public Record, and Publication of Ordinances	5
2	DUTIES OF THE PRESIDENT, <u>AND PRESIDENT PRO-TEM</u>	<u>56</u>
2.01	Duties of the President	6
2.02	Duties of the President Pro-Tem	7
2.03	President to Maintain Order	7
2.04	Relinquishment of President Status for Council Meeting	7
2.05	President’s Voting Powers	7
2.06	Creation of Committees	7
2.07	President is Non-Voting, Ex Officio Member of All Committees	7
3	COUNCIL MEETINGS	<u>78</u>
3.01	Monthly Meetings and Times of Meetings	8
3.02	Meeting Location	8
3.03	Order of Business	8
3.04	Committee of the Whole	9
3.05	Incomplete Business	9
3.06	Quorum Required to Conduct Business	9
3.07	Special Meetings	9
3.08	Closed Sessions	10
3.09	Notice	10
3.10	Addresses to Council	10
4	<u>COUNCIL COMMITTEES, MEETINGS, & AND DUTIES</u>	<u>1012</u>
4.01	Committee Appointments	12
4.02	Timing of First Committee Meetings	12
4.03	Committee Membership and Voting Rights	12
4.04	Committee Attendance	13

4.05	Staff Assignments to the Committee	13
4.06	Conduct of Committee Business	13
4.07	Committee Actions with Quorum	14
4.08	Committee Actions without Quorum	14
4.09	Committee Minutes	14
4.10	Vote to Accept Committee Minutes	14
4.11	Committee Recommendations	15
4.12	Action Limited to Committee Meetings	15
4.13	Speaking at Committee Meetings	15
4.14	Committee to Report Without Delay; and Discharging of Matters Before Committees	15
4A	STANDING COUNCIL COMMITTEES	13 16
4A.01	Committee on Committees	16
4A.02	Budget Committee	16
4A.03	Appointments Committee	16
4A.04	Government Oversight and Audit Committee	17
5	MOTIONS, DEBATES, <u>AND</u> & VOTES	13 19
5.01	Motions	19
5.02	Motions Considered and Withdrawal of Motions	19
5.03	Relevancy of Motion	19
5.04	Member Debate	19
5.05	Introduction of Petitions, Memorials, and Other Papers	19
5.06	Voting	19
5.07	Requisite Vote Definitions	20
5.08	Conflict of Interest	20
5.09	Voting on Amendments and Resolutions	21
5.10	Tie Vote	21
5.11	Hierarchy of Motions During Question	21
5.12	Motion to Reorder; Dispense with Rule; and Call Legislation Out of Order	22
5.13	Challenge to Presiding Officer’s Decision	22
5.14	Robert’s Rules of Order Dictate in Certain Situations	22
5.15	Necessary Votes to Overturn Zoning Decision	23
6	INTRODUCTION OF ORDINANCES, RESOLUTIONS, CONTRACTS, <u>AND</u> & LEASES	16 24
6.01	Legislation Must Comply with Rules	24
6.02	Deadline for Legislation and Procedure for Legislation Received After Deadline	24
6.03	Submitting Legislation	24
6.04	Sponsorship of Legislation	25
6.05	Tentative Agenda	25
6.06	Final Agenda	25
6.07	Introduction of Legislation	26
6.08	Legal Specifications for Legislation	26
6.09	Contract Resolution Requirements	26
6.10	Resolution Requirements for Authorizing Grants	27
6.11	Procedure for Council Contracts	27

7	CONSIDERATION OF ORDINANCES, RESOLUTIONS, CONTRACTS, <u>AND</u> & LEASES	19 <u>28</u>
7.01	<u>Procedure for Enacting Legislation</u>	<u>28</u>
7.02	<u>President to Refer Legislation to Committee</u>	<u>28</u>
7.03	<u>Rejected Legislation Not to be Reintroduced</u>	<u>28</u>
7.04	<u>Discharge Petition</u>	<u>29</u>
7.05	<u>Consent Calendar and Old Business</u>	<u>30</u>
7.06	<u>Enacted Legislation Presumed Compliant</u>	<u>31</u>
7.07	<u>Council to Act Within Six Months</u>	<u>32</u>
7.08	<u>Degrees of Sponsorship; Legislation Terminated Without Sponsorship; and Amendment by Substitution Sponsorship</u>	<u>32</u>
7.09	<u>Motion to Recommit</u>	<u>32</u>
7.10	<u>Legislation to be Presented to Mayor</u>	<u>32</u>
7.11	<u>Council Proclamations</u>	<u>33</u>
8	<u>ETHICS, ORDER, & <u>AND</u> DECORUM</u>	23 <u>34</u>
8.01	<u>Code of Ethics Applies; and Standard of Conduct for Council Members and Employees</u>	<u>34</u>
8.02	<u>Council Members to Maintain Proper Decorum</u>	<u>34</u>
8.03	<u>Discipline of Council Members</u>	<u>34</u>
8.04	<u>Copies of Items to be Provided</u>	<u>34</u>
8.05	<u>Admittance to Chamber Floor</u>	<u>34</u>
8.06	<u>Attendees to Maintain Proper Decorum; and Removal of Attendee</u>	<u>35</u>
9	STAFF	24 <u>36</u>
9.01	<u>Clerk of the Council</u>	<u>36</u>
9.02	<u>Management of Administrative Personnel</u>	<u>36</u>
9.03	<u>Management of Caucus Staff</u>	<u>36</u>
9.04	<u>Adoption of Policies and Procedures</u>	<u>36</u>
10	VACANCIES	25 <u>37</u>
10.01	<u>Resignation of a Council Member</u>	<u>37</u>
10.02	<u>Death of a Council Member</u>	<u>37</u>
10.03	<u>Certain Conditions Required to Remove a Council Member and Procedure to Remove</u>	<u>37</u>
10.04	<u>Appeal Rights of Removed Council Member</u>	<u>38</u>
10.05	<u>Status of President’s Office During Appeal</u>	<u>38</u>
10.06	<u>Removal of the Powers of the President</u>	<u>38</u>
10.07	<u>Election of New President Following Removal</u>	<u>39</u>
10.08	<u>Applicants to Fill Vacancy</u>	<u>39</u>
10.09	<u>Applicant Review Process</u>	<u>39</u>
10.10	<u>Filling of Vacancy by Council</u>	<u>39</u>
10.11	<u>Vote of Majority of Council Members for Vacancy</u>	<u>39</u>
10.12	<u>President to Manage Vacant Office</u>	<u>39</u>
11	AMENDMENTS TO THESE RULES	31
12	ETHICS	32
113	CAUCUSES, MAJORITY <u>&AND</u> MINORITY CAUCUS LEADERS	32 <u>40</u>
11.01	<u>Council Members Attendance at Caucus Meetings; and Caucus Discussions</u>	<u>40</u>
11.02	<u>Chair and Vice-Chair to Represent Caucus</u>	<u>40</u>

14 PRECEDENCE OVER POLICIES AND PROCEDURES

Dates Amended:

010603: Adopted by Metro Council

072607: 2.02, 9.02, 9.03

022408: 4.01

121108: 7.15, 7.16, 7.17, 7.18, 7.19, 7.20

021110: 8.03

030812: Renumbered Section 7 deleting blank 7.15; and other minor reformatting

111512: 5.11; Adding (j) To limit debate; (MCCO hso 112012)

121114: 5.11,(i): Amending Financial Impact requirements: (MCCO hso 121114)

012215: 10.07 Adding sentence regarding the death of a Council President (MCCO hso 012315)

121417: Added New Section 4A. Standing Council Committees (MCCO hso 122217)

091318: Added 4A.04(b)(1) (MCCO hso 110518)

date : [Added 4A.04\(b\)\(1\) \(amended 091318\) and All Rules Reviewed, Updated, and Amended \(MCCO hso date\)](#)

THIS BOX WILL BE DELETED – FOR REVIEW OF AMENDMENTS ONLY

Color Key:

Black text changes (underlines and strikes) are purely grammatical or technical in nature and should be changed even when other changes are not accepted in order to clean up the document.

Green text – Changes made that may need to be addressed if other changes are not accepted, i.e. renumbering of a Rule and reference to it throughout the document.

Purple text – Language that has moved from one section/rule to another and any changes have been underlined and stricken. *The italicized notes about where the item was moved to or from will be deleted.*

Blue text – Changes with some significance.

Red text – Notes to Council or Ad Hoc Committee regarding changes that will likely require discussion or policy considerations.

SECTION 1. ORGANIZATION OF THE COUNCIL

1.01 Establishment of Rules, Council Rules Supremacy, Headings/Titles, and Amendments

a) These Rules shall follow applicable Kentucky Revised Statutes. Pursuant to applicable state statutes, specifically KRS § 67C.103(10) but also including other sections denoted in KRS §§ 67C.101, 103, 105, 115, 121 et al., the following are the ~~Rules~~ of the ~~Legislative Council~~ of the “Louisville/Jefferson County Metro Government” (“the Council”).
[moved from Rule 11.02]

b) In the event any section or subsection of these Rules is inconsistent or conflicts with the Louisville Metro Council Policies and Procedures, ~~adopted on March 13, 2003 pursuant to Resolution No. 21, Series 2003, including any subsequent amendments made thereto,~~ these Rules shall govern over such Policies and Procedures.*[moved from Rule 14.01]*

c) The headings of these Rules are included for convenience of reference only and shall not be deemed to constitute a part of the Rules.

d.) The Rules of the Council may be amended by a resolution adopted by an affirmative vote of a majority vote of the members of the entire Council provided that notice of the vote and a copy of the proposed amendments are is given at a previous meeting and appears on the agenda.*[moved from Rule 11.01]*

Policy Consideration: Should this be a vote of the entire Council as noted above since it is in regards to the Rules that govern this body and should have a higher threshold than just a majority vote of those present?

e.) Rules that require electronic communication and/or submission may be accomplished with a printed version if the electronic system is inoperable.

1.02 Term Lengths and Elections

~~The consolidated local government council m~~Members of the Council shall serve for a term of four (4) years beginning at 12:01 a.m. on the first Monday in January following their election, pursuant to KRS § 67C.103, except that the initial election of council members shall be in a manner as to provide for staggered terms for council members. At the initial election of the members of the consolidated local government council, those representing even-numbered districts shall be elected for a two (2) year term. Those representing odd-numbered districts shall be elected for a four (4) year term. Thereafter, all council members shall be elected for four (4) year terms pursuant to KRS 67C.103. **OPTION 1:** The term of the Council is two (2) calendar years beginning on the first Monday in January of the year directly following an election of Council Members and ending on the first Monday in January of the year directly following the next election of Council Members. **OPTION 2:** The term of the Council is one (1) calendar year beginning on the first Monday in January.

Policy Consideration: The term of the Council is not clear and the Council may want to define it specifically as it applies to the reintroduction of legislation that failed (see newly-numbered Rule 7.03). There are two options listed above, though you may choose to consider other options as well. The first option is based on the idea that the same Members are on the Council for two years, though the President and committee appointments change yearly. (The election of the President is set by KRS and must be elected yearly.) The second option is based on the idea that the President is elected, committees are created, and committee members are appointed each year, thus the term of the Council should be the same.

Following the election of its Members, T~~he~~ Council shall meet at ~~the hour of 6:00 p.m. or at such other date and time not earlier than 12:01 a.m. on the first Monday in January following their election~~ nor later than seven (7) days after its ~~m~~Members have taken office, ~~and~~ The meeting shall be announced at least forty-eight (48) hours in advance by the Clerk upon request

by fourteen (14) or more of the persons certified by the Board of Elections to have been duly elected to the Council. The Clerk shall first proceed to read the Certification of the Board of Elections certifying the persons who shall have been elected to the Council and to call the roll of the persons so certified. The Clerk shall inform the Council of any pending legal actions concerning any member-elect, if a member-elect is not sworn and seated with the other Members. ~~then read any challenge which has been timely and properly brought with respect to the eligibility or election of any person so certified. In the event such a challenge shall have been timely and properly brought (as provided below) to the Clerk, the person so challenged shall not be sworn and seated until the remaining mMembers of the Council have been seated and sworn and until the challenge has been ruled upon by the Council pursuant to this Rule.~~

Policy Consideration: If Council seeks to prevent a member-elect from becoming a sworn and seated Member on the Council, it would be preferable for legal action to be taken and a court order issued prior to the organizational meeting. JCAO can advise of available legal options for Council to consider based on the circumstances that surround the member-elect. Any decision as to legally challenging the election outcome or the 'bona fides' of a member-elect would be made by a majority vote of Council.

(See also KRS §§ 67C.103(8) and 118.425)

1.03 Oath of Office

Following the certification of the Council elections by the Board of Elections and before the first Monday in January following their election, A judge or other qualified person, pursuant to KRS § 62.020, shall administer the following oath, as prescribed by the State constitution, to the newly-elected Council mMembers:

¶I, _____, DO SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE CONSTITUTION OF THIS COMMONWEALTH AND THE ORDINANCES OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, AND BE FAITHFUL AND TRUE TO THE COMMONWEALTH OF KENTUCKY, SO LONG AS I CONTINUE A CITIZEN THEREOF, AND THAT I WILL FAITHFULLY EXECUTE TO THE BEST OF MY ABILITY THE OFFICE OF COUNCILPERSON ACCORDING TO LAW AND ORDINANCE, AND I DO FURTHER SOLEMNLY SWEAR (OR AFFIRM) THAT SINCE THE ADOPTION OF THE PRESENT CONSTITUTION, I BEING A CITIZEN OF THIS COMMONWEALTH, HAVE NOT FOUGHT A DUEL WITH DEADLY WEAPONS WITHIN THIS COMMONWEALTH, NOR OUT OF IT; NOR HAVE I SENT OR ACCEPTED A CHALLENGE TO FIGHT A DUEL WITH DEADLY WEAPONS, NOR HAVE I ACTED AS SECOND IN CARRYING A CHALLENGE, NOR AIDED OR ASSISTED ANY PERSON THUS OFFENDING; AND I DO FURTHER SOLEMNLY SWEAR (OR AFFIRM) THAT I HAVE THE QUALIFICATIONS AND AM FREE OF THE DISQUALIFICATIONS PRESCRIBED IN SECTION 67C.143 OF THE KENTUCKY REVISED STATUTES.¶

(See also KRS § 62.010 and Ky. Const. § 228)

~~1.04~~

~~The Council shall upon notice meet within seven (7) days after its members have taken office, and shall thereafter hold at least two (2) meetings per month, which includes the first meeting held in January as required in Rule 1.02. Notice of all meetings of the council and all meetings of committees of the council shall be held pursuant to KRS 61.805 to 61.850.~~*[moved to Rule 3.01]*

~~Upon adoption of these rules, the Council shall meet at 6:00 p.m. on the second and fourth Thursday of each month.~~

1.045 Majority Constitutes Quorum; and Enforcement of Attendance

Pursuant to applicable state statutes Kentucky Revised Statutes, a majority of the ~~m~~Members of the ~~consolidated local government~~ eCouncil shall constitute a quorum, but a smaller number may convene from day to day. ~~A two-thirds (2/3) majority shall equal eighteen (18).~~ The ~~consolidated local government~~ eCouncil may enforce the attendance of ~~m~~Members by rules or ordinances with appropriate fines.

(See KRS §§ 67C.103(9) and 83A.060)

~~The mMayor or eighteen (18) mMembers of the entire eCouncil may call a special meeting at any time.~~*[this is inaccurate but it is correctly stated in newly-numbered Rule 3.07(b)]* ~~Meetings shall be held in such places in the county as are provided by ordinance, and the place of meetings shall not be changed except by an ordinance for which eighteen (18) members of the Council have voted.~~*[moved to Rule 3.02]* ~~A two-thirds (2/3) majority shall equal eighteen (18).~~*[moved to paragraph above and reworded]*

1.056 Election of the President

The presiding officer of a ~~consolidated local government~~ the eCouncil shall be a president who shall be chosen annually by a majority vote of the entire eCouncil from among its ~~m~~Members at the first meeting of the eCouncil in January. ~~The council president has the right to introduce any resolution or recommend any ordinance and shall be entitled to vote on all matters.~~ *[duplicated in Rule 2.01(k) and not relative in this Rule]*

(See KRS § 67C.103(7))

1.067 President's Term and Filling of Presidential Vacancy

The Council ~~m~~Member elected as President of the Council at the organizational meeting in January of a new term of the Council shall serve until the first meeting of the Council in January of the next year at which the President ~~of the Council~~ shall be elected according to the same procedure set forth in Rule 1.05.6. ~~above at the annual organizational meeting of the next Council.~~ However, if such President is no longer a ~~m~~Member of the Council on the first Monday in January following his/~~or~~-her election, then a the mMember of the Council who served in a capacity as President Pro-Tem in accordance with Rule 1.078 during in the previous year term of the Council shall serve as President until a new President is elected at the first meeting of the Council in January as required by Rule 1.02. In the event there are no Council ~~m~~Members who satisfy the criteria in Rule 1.078, then a Council meeting shall be required on ~~that~~ the first Monday in January to elect a new Council President for the upcoming year term.

(See KRS § 67C.103(7))

1.078 Majority Caucus Leader to Serve as President Pro-Tem

The Majority Caucus Leader, as identified in Section 113 of these Rules, shall serve as the President Pro-Tem. ~~and exercise the powers of the President, only when the President is absent~~

~~or otherwise unable to perform the duties of office. The President, when practicable, shall notify the Clerk in writing when the President is to be absent or otherwise unable to perform the duties of office, and the expected duration of such absence.~~ The Minority Caucus Leader, which has the allegiance of the second largest number of ~~m~~Members of the Council following the Majority Caucus Leader, as determined in Rule 1~~13~~.02, shall serve as President Pro-Tem~~m~~ when the Majority Caucus Leader serves as President in the absence of the President.~~[unnecessarily duplicated here as it is in Rule 2.02.]~~

1.089 Powers of the Council

All legislative powers of a consolidated local government are vested in the Council pursuant to KRS § 67C.103(13). The term “legislative power” is to be construed broadly and shall include the power to:

- a) Enact ordinances, orders, and resolutions, and override a veto of the ~~m~~Mayor by a two-thirds (2/3) majority of the membership of the legislative ~~e~~Council;
- b) Review the budgets of and appropriate money to the consolidated local government;
- c) Adopt a budget ordinance;
- d) Levy taxes, subject to the limitations of the Constitution and the laws of the Commonwealth of Kentucky;
- e) Establish standing and temporary committees; and
- f) Make independent audits and investigations concerning the affairs of the consolidated local government.

1.0910 Council Jurisdiction

Council ordinances that prescribe penalties for their violation shall be enforced through the entire area of the consolidated local government unless:

- a) Otherwise provided by statute; or
- b) The legislative body of any city within the consolidated local government area has adopted an ordinance pertaining to the same subject matter that is the same as or more stringent than the standards set forth in the consolidated local government’s ordinance.

(See KRS § 67C.103(11))

1.104 Clerk of the Council; Clerk’s Duties; and Official Record Custodian

The Council ~~of a consolidated local government~~ shall have a ~~e~~Clerk, and may have a ~~d~~Deputy ~~e~~Clerk and may employ a stenographer, all of whom shall attend its sessions and keep a full and correct record of all the proceedings of the Council, together with a complete index, and who in addition shall perform such duties as may be required of them by the ~~e~~Council. The Clerk shall be ~~designated~~ as the official custodian of all records for the Council. The Council shall appoint a ~~e~~Clerk who shall serve at the pleasure of the Council. The ~~e~~Clerk shall execute a bond to be approved by the Council. He ~~or~~ she shall receive an annual salary which shall be fixed by the Council. To assist in the official duties of the Clerk, ~~the~~ Council may appoint a ~~d~~Deputy ~~e~~Clerk and a stenographer, ~~to assist in the official duties of the clerk,~~ who shall qualify ~~quality~~ by taking the constitutional oath and who shall serve at the will of the Council. The salaries of the ~~d~~Deputy ~~e~~Clerk and the stenographer shall be fixed by the Council. ~~(all pursuant to KRS 67.120).~~

After the appointments are announced, the newly appointed Clerk shall immediately assume the duties of ~~the~~is office referenced above and take the same oath of office taken by the ~~m~~Members of the Council. The person appointed as Clerk at the organizational meeting ~~of a new term~~ of the Council in January shall serve until a successor Clerk is appointed at the first meeting of the Council in January of the following year. The Clerk shall be responsible to the ~~full~~ entire Council and shall perform the statutory duties to maintain and preserve the records of the Council, ordinances, resolutions and minutes. The Clerk shall also perform such other duties as are required by these Rules and by the Council.

(See KRS § 67.120(3))

1.11 Clerk Pro-Tem to Serve in the Absence of the Clerk

The Deputy Clerk shall serve as the Clerk Pro-Tem and exercise the duties of the Clerk when the Clerk is absent or otherwise unable to perform the duties of office. The Clerk, when practicable, shall notify the President in writing when the Clerk is to be absent or otherwise unable to perform the duties of office, and the expected duration of such absence. If the Council does not have a Deputy Clerk or the Deputy Clerk is unable to serve as Clerk Pro-Tem, the Assistant Clerk with the most seniority shall serve as Clerk Pro-Tem. Seniority shall be determined by the longest tenure.

~~1.12~~

~~The Council may elect a sergeant at arms, whose duty it shall be to preserve order and enforce the orders of the President.~~

1.123 Seating Arrangement for the Council

The ~~m~~Members of the Council shall ~~occupy~~ be assigned seats ~~in~~ in the numerical order of the districts they represent.

~~1.14~~

~~A committee of two next shall be appointed to inform the Mayor that the Council has been organized and is in session. The Council may then conduct such other business as it deems necessary and appropriate.~~

1.135 Adjournment of Organizational Meeting

If at any time during the organizational meeting before all business is completed, a motion to adjourn is made, the organizational meeting shall be adjourned upon a two-thirds (2/3) vote of the Members, until a time and date specified in the adjournment. When the organizational meeting is reconvened, the body shall proceed with any unfinished business.

1.146 Council Rules, Public Record, and Publication of Ordinances

The ~~e~~Council shall determine its own rules and order of business, and keep and provide a public record of its proceedings. The ~~e~~Council shall provide for the publication of all ordinances in a composite code of ordinances.

(See KRS § 67C.103(10))

SECTION 2: DUTIES OF THE PRESIDENT, AND PRESIDENT PRO-TEM

2.01 Duties of the President

The presiding officer of the Council shall be a President as ~~referenced~~ provided for in Section Rule 1.056 of these Rules. The duties of the President shall include:

~~a) The President shall take the~~ Presiding as the eChair at every regular and special meeting at the time specified in the call for such meeting; ~~moved from Rule 3.01]~~

~~(a~~ b) Opening meetings of the Council and announcing the business before the Council in order in which it is to be acted upon;

~~(b~~ c) Recognizing ~~m~~Members entitled to the floor, keeping debate within the rules of order and otherwise preserving order and decorum during meetings;

~~(c~~ d) Stating and putting to vote all questions before the Council, and announcing the results of the votes upon such questions;

~~(d~~ e) Deciding all points of order, subject to appeal, as set forth in Robert's Rules of Order;

~~(e~~ f) Receiving all messages and communications to the Council and announcing such to the ~~m~~Members;

~~(f~~ g) Generally guiding and directing the proceedings of the Council, subject to the control and will of the Council;

~~(g~~ h) Signing and authenticating all ordinances, resolutions, acts, proceedings, ~~or~~ and orders of the Council;

~~(h~~ i) Appointing committees and eCommittee eChairs, except for the Committee on Committees. The Committee on Committees is a Standing Committee composed of the President and the Chair and Vice Chair of the two largest Caucuses, as determined under Rule 13.02. In the event, a party or the same political affiliation has 4 or more members and is not one of the two largest Caucuses, as determined under Rule 13.02, then such party or political affiliation shall have one member who serves on the Committee on Committees. Except as otherwise agreed to by unanimous consent of the Committee on Committees, all other ~~C~~committee composition whether regular, ad hoc, or special shall be proportional to party affiliation on the Council, unless a party ~~of~~ the same political affiliation has three (3) or fewer ~~m~~Members on the Council. In that event, such ~~m~~Members, if they desire, shall sit on a minimum of three (3) ~~C~~committees. These ~~m~~Members shall submit annually to the President a list of the top four (4) ~~C~~committees on which they wish to serve. The President shall ensure that each ~~m~~Member is selected to serve on at least one (1) of the ~~C~~committees so submitted; ~~moved to Rule 4A.01]~~

~~(i~~ j) Hiring and firing the Council's eommon administrative office staff, with the consent of a majority of the remaining mMembers of the Committee on Committees, and perform other responsibilities with respect to such staff as set forth in Rule 9.023. Administrative Aaction taken by the President under Sections 2, this subsection and Rules 9.02 and 13-10.12 as to staffing levels and hiring and firing of eommon administrative office staff may be reversed by majority vote of the Committee on Committees;

k) The President with the consent of a majority of the mMembers of the Committee on Committees will submit an annual Council Budget to the Office of the Mayor.*[moved from newly-numbered Rule 9.02]*

~~g) The right to introduce~~ Introducing any resolution or recommending any ordinance and shall be entitled to vote on all matters before the Council; and

m) Managing the affairs of a vacant Council Member's office as provided in Rule 10.12.

(See KRS § 67C.103(7))

2.02 Duties of the President Pro-Tem

A ~~m~~Member serving as President Pro-Tem as referenced in ~~Section Rule 1.07~~8 shall serve as ~~p~~President and exercise the powers of the President, only when the President is absent or otherwise unable to perform the duties of office. The President, when practicable, shall notify the Clerk in writing when the President is to be absent or otherwise unable to perform the duties of office, and the expected duration of such absence.

2.03 President to Maintain Order

The President shall preserve order and decorum and may decide questions of order without rising from the chair for that purpose.

2.04 Relinquishment of President Status for Council Meeting

The President shall have the right to temporarily relinquish the chair and to name the Majority Caucus Leader as President Pro-Tem to perform the duties of the ~~e~~Chair during a meeting, but such substitute shall not extend beyond an adjournment. The President may participate in debate ~~when~~ but only when the President shall have so relinquished the chair.

2.05 President's Voting Powers

The President shall have a vote on matters before the Council.

(See KRS § 67C.103(7))

2.06 Creation of Committees

No later than thirty (30) days following the election of the President, the President, as he/she deems necessary, shall ~~appoint~~ create committees of the Council, excluding those referenced in Section 4A of these Rules. ~~, as the President deems necessary.~~ The President may ~~appoint~~ create special or ad hoc committees at any time. The President appoints Members to committees per Rule 4.01. ~~The President shall be a non-voting, ex officio member of all committees, except as otherwise provided in Rule 7.06. Within thirty (30) days after the appointment of the committees, the chairperson of each committee shall announce a time and place for regular meetings of the committee. However, the committee may meet at such other times as the chairperson may direct upon proper notice to members and the press as required by law.~~*[first sentence moved to new Rule 2.07; the rest moved to create a new Rule 4.02]*

2.07 President is Non-Voting, Ex Officio Member of All Committees;

The President shall be a non-voting, ex officio member of all committees, except as otherwise provided in Rule ~~7.06~~4.03.*[moved from Rule 2.06]*

SECTION 3. COUNCIL MEETINGS

3.01 Monthly Meetings and Times of Meetings

The Council shall hold ~~two (2)~~ at least one (1) regular meetings ~~in each per~~ month, which includes the organizational meeting held in January. All meetings of the Council and ~~all meetings of committees of the Council~~ shall be held pursuant to KRS §§ 61.805–61.850. The Council ~~shall~~ generally holds its regular meetings at 6:00 p.m. on the second and fourth Thursday in each month, provided that the Council by resolution adopted no later than its next preceding regular meeting may change the date, and time, ~~and/or place~~ of its regular meeting. The date and time of the meeting shall not be changed except by resolution for which two-thirds (2/3) of the Council mMembers of the Council have voted affirmatively. ~~The President shall take the chair at every special meeting at the time specified in the call for such meeting.~~*[first sentence in purple moved from old Rule 1.04; last sentence moved to Rule 2.01(a)]*

(See also KRS § 67C.103(8))

~~However, if a second or fourth Thursday in a calendar month falls on December 24 or on any metro Government holiday or Governors Inauguration Day, the meeting shall be held the preceding business day, unless otherwise provided by resolution adopted no later than the next preceding meeting.~~

3.02 Meeting Location

The Council shall meet in the Council Chambers of City Hall. Meetings shall be held in such places in the county as are provided by ordinance, and ~~the~~ place of meetings shall not be changed except by an ordinance for which two-thirds (2/3) of the Council mMembers of the Council have voted affirmatively.*[moved from newly-number Rule 1.04]*

(See KRS § 67C.103(9))

3.03 Order of Business

The order of business of the Council shall be:

- (a) Call to Order and Pledge of Allegiance;
- (b) Roll Call;
- (c) Addresses to the Council;
- d) Recognitions;
- ~~(d)~~ e) Reading of the Council and committee minutes of the preceding meeting(s) or motion to approve or amend the minutes without reading; and instruct the President and Clerk to sign Journal.
- ~~(e)~~ f) Communications from to the Council; Mayor
- ~~(f)~~ g) Special Ordinances; and Resolutions; and Recognitions
- ~~(g)~~ h) Old Business (Consent Calendar;)
- ~~(h)~~ i) Old Business; (Committee Reports)
- ~~(i)~~ Miscellaneous Business (Communication from Cabinet, Office Business, Reports)
- (j) New Business;

- (k) Announcements from any Council ~~m~~Member (unless otherwise provided for); and
- ~~(l) Closed Session Report~~
- ~~(m) l~~ Adjournment.

The rules of order, not prescribed by statute, may be suspended at any time by consent of the majority of the Council ~~m~~Members present at the meeting. A motion to adjourn shall always be in order, unless the Council is engaged in voting and shall be decided without debate.

3.04 Committee of the Whole

At any time when the Council decides to consider a subject ~~which~~ that it does not wish to refer to committee and yet where the subject matter is not well digested and put into proper form for definite action, or, when, for any other reason, it is desirable for the assembly to consider a subject with all the freedom of an ordinary committee, the Council may resolve itself into a committee of the whole and the President shall serve as ~~e~~Chairperson of such committee. The ~~C~~committee thereupon may amend the original proposition. These rules of proceeding, so far as they are applicable, shall be observed in the committee of the whole. A motion for the rising of the committee shall always be in order, unless a ~~m~~Member is speaking, and shall be decided without debate.

3.05 Incomplete Business

If the order of business is not completed at any meeting, it shall be the duty of the President to continue said order at the next meeting at the point where it was interrupted at the previous meeting.

3.06 Quorum Required to Conduct Business

~~A majority of the members of the Council shall constitute a quorum, but a smaller number may convene from day to day.~~ Business may be conducted only at an organizational, regular, or special meeting at which a quorum of ~~m~~Members is present. ~~The Council may enforce the attendance of members by rules or ordinances with appropriate fines.~~ *[deleted sentences are duplicated in newly-numbered Rule 1.04]*

(See KRS § 67C.103(9))

3.07 Special Meetings

a) The Mayor may call a special meeting at any time by written notification to the Clerk and the President ~~of the Council~~ of the date, time, and location of said special meeting which notice shall be served at least twenty-four (24) hours prior to the meeting. Said notice shall comply with all legal requirements for notification of the press.

b) Two-thirds (2/3) of the entire membership of the ~~e~~Council may call a special meeting by causing to be served written notice on the remainder of the ~~m~~Members of the Council and the Clerk of the date, time, and location of said special meeting at least twenty-four (24) hours prior to the meeting. Council Members may electronically communicate approval of a special meeting to the Clerk. Said notice shall comply with all legal requirements for notification of the press.

Notice of special meetings called pursuant to this Rule shall include an agenda, and discussion shall be limited to the items listed on the agenda.

(See KRS §§ 67C.103(9) and 61.823)

3.089 Closed Sessions

The Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, ~~to~~ Closed sessions may be held only after announcing the exception by which a closed session is permitted by law and a motion is made and carried by a majority vote during open session. During closed sessions, the Council may only discuss consider or hear any matters which it is authorized permitted by state law and announced prior to convening the closed session to hear or consider in closed session, and The Council may exclude ~~from any such closed session~~ any person or persons ~~which it is~~ authorized by state law, ~~to exclude from such closed sessions.~~ No final action may be taken during a closed session.

(See KRS §§ 61.810 and 61.815)

3.0910 Notice

Notice of all Council and committee meetings of the Council and all meetings of committees of the Council shall be held pursuant to KRS §§ 61.805 to 61.850.

(See also KRS § 67C.103(8))

3.101 Addresses to Council

Members of the public wishing to speak before the Council may do so in accordance with ~~under~~ the following set of rules:

- (a) Only ten (10) residents of Metro Louisville per Council meeting will be allowed to speak; however, in the event, there are not ten (10) speakers, ~~then~~ the President may allow a non-resident of Metro Louisville to fill a vacant slot;
- (b) Speakers shall be restricted to a maximum of three (3) minutes each and may not share these minutes with any other speaker; however, persons with medically recognized disabilities who are entitled to a reasonable accommodation under the Americans with Disabilities Act (ADA) shall be given an additional minute to speak;
- (c) In order to speak at a regularly scheduled Council meeting, a speaker must register with the Clerk's office ~~staff~~. The period to register begins at the conclusion of the prior regularly scheduled Council meeting and ends at 12:00 p.m. 4 PM of the day before the next regularly scheduled meeting in which the person intends to speak. Persons registering with the Clerk's office may leave their name/alias and address, and shall notify the eClerk of the topic in which they will speak and their position on said topic as being in favor or against. However, no more than three (3) persons may speak with the same position on any one topic before the Council at any meeting (i.e., six (6) persons can speak on one topic before the Council at a particular meeting, three (3) in support and three (3) against);
- (d) Any materials presented to the Council may be forwarded to the Clerk prior to or following all Council ~~gatherings~~ and committee meetings ~~to the Clerk~~ for dissemination purposes;
- (e) Speakers will be granted permission to speak at a regular meeting of the Council after the passage of five (5) consecutive Council meetings from the last meeting in which the speaker spoke. The Clerk will keep a listing of those persons who speak before the Council. This Rule shall also apply to those who requested speaking time but failed to appear before the Council without canceling with the Clerk's office by the 12:00 p.m. deadline described in subsection (c) of this Rule;

← f) Speakers before the ~~entire~~ Council are not allowed to use props, displays, or any other objects during their presentations. However, informational handouts may be given to the Clerk and distributed in accordance with subsection (d) of this Rule ~~above~~;

← g) Persons within the audience are allowed to have signs in the Council chambers that are no larger than 8 ½ x 11 inches. ~~However, such signs may~~ Signs shall not be attached to any sort of stick and must be displayed in a manner that does not inhibit others from viewing the Council meeting; and

← h) Speakers may not **engage in electioneering** nor the endorsement or promotion of any commercial product or service.

Policy Consideration: The legality of the language in red regarding electioneering is unlawful because it violates freedom of speech laws. Rewording this or removing it should be considered.

SECTION 4. COUNCIL COMMITTEES, MEETINGS, & AND DUTIES

4.01 Committee Appointments

The ~~Council~~ President shall appoint the ~~m~~Members of ~~C~~committees in conformity with subsections (a), (b), and (c) of this Rule, which are created pursuant to Rules 2.06 and 2.01(hi), from among the ~~m~~Members of the ~~entire~~ Council. Each ~~of the C~~committees shall have a ~~maximum of no more than~~ thirteen (13) ~~m~~Members.

(a) The ~~Council~~ President shall appoint the Chair~~person~~ and may appoint a Vice Chair~~person~~ of for each Ccommittee. The Chair~~person~~ and Vice Chair~~person~~ may be removed in the same manner. The term for each ~~C~~committee appointment shall be until the Council's first organizational meeting each January or until a successor is duly appointed. ~~Should a vacancy occur in any C~~committee ~~for whatever reason, appointment to the vacated position shall be for the unexpired term of the position created by said vacancy.~~*[moved to new subsection (d) below]*

(b) In the absence of both the Chair~~person~~ and Vice Chair~~person~~ of a committee, the Committee ~~m~~Members present shall elect a Chair ~~p~~ro-~~t~~em.

(c) With regard to membership on each committee, ~~other than~~ except for the Chair~~person~~ and Vice Chair~~person~~, the President shall follow the recommendations of Caucus Chairs, as set forth in Rule 13.02.5, ~~except~~ If a party ~~or of~~ the same political affiliation has three (3) or fewer ~~m~~Members on the Council, ~~In that event~~, the procedure in Rule 2.01(hi) shall be adhered to with respect to such ~~m~~Members.

d) Should a vacancy occur in any Ccommittee for whatever reason, appointment to the vacated position shall be for the unexpired term of the position created by said vacancy.*[moved from subsection (a) above]*

4.02 Timing of First Committee Meetings

Within thirty (30) days after the appointment of the committees members, the ~~e~~Chair~~person~~ of each committee shall announce a time and place for regular meetings of the committee. However, the committee may meet at such other times as the ~~e~~Chair~~person~~ may direct upon proper notice to ~~m~~Members and the press as required by law.*[moved from Rule 2.06]*

4.03 Committee Membership and Voting Rights

a) A eChair~~person~~ of a committee is a voting member of the committee and may make or second any motion at a meeting of the committee.

b) A quorum of a committee shall be a majority of the ~~m~~Members appointed to the committee, excluding the President.

c) However, ~~if~~ the President's presence is required to make a quorum of a committee meeting, then the President shall be counted to make a quorum for such meeting and shall be a voting member for that meeting only.

d) Nevertheless, In the Zoning Committee, any Council ~~m~~Member, including the President, may cast a vote ~~in the zoning committee~~, make motions, and second motions on any zoning change located in his/her district and whose presence shall be counted toward a quorum only on the item affecting that district.*[moved from old Rule 7.06]*

Policy Consideration: Does the Council want to add in provisions for Members to make and second motions on zoning items in their district? If so, the additional language above would address that.

4.042 Committee Attendance

It is the duty of each Council mMember to attend every meeting of every Ccommittee of which they are a mMember and charged with fulfilling the responsibilities of such Ccommittee(s).

4.053 Staff Assignments to the Committees

(a) ~~Committee staff~~ The Clerk's office shall deliver, to each Committee member, balance of the Council and to Council Appointees by electronic means whenever possible, all papers and documents relating to matters referred to such Ccommittee pursuant to these Rules. ~~The Council Clerk shall serve as secretary to the Committee on Committees.~~ The Council Clerk shall designate a ~~secretary~~ Clerk's office staff for each of the other Ccommittees, who shall keep a ~~record~~ minutes of attendance and business transacted at each meeting. ~~Such record shall be provided to the Council Clerk and it shall be the responsibility of the Council Clerk's office to publish distribute to the Mayor, the Council, and the Council Appointees a copy of the record minutes from each Ccommittee meeting.~~

(b) ~~Reports of each committee shall be in writing and presented to the Council. Nothing in this Rule shall be construed to prohibit the introduction of minority reports, together with the majority report.~~ *[first sentence moved to newly-numbered Rule 4.09]*

(eb) A member of the Jefferson County Attorney's Office ~~Research Ordinance Commission~~ may also have a representative at all committee meetings.

4.064 Conduct of Committee Business

Except as otherwise provided in these Rules, Ccommittee meetings shall be governed as follows:

(a) The Chairperson shall preside at meetings of the Ccommittee. If the Chairperson is absent, the Vice Chairperson shall assume the duties of the Chairperson.

(b) The Chairperson shall direct the order of presentation of the arguments for and against matters for consideration by the Ccommittee, and shall permit questions to be asked by ~~the various mMembers of the Council. Committee, members of the public, e~~ Except as otherwise provided pursuant to the Zoning Committee rules in applicable rules and policies for zoning matters, the Chair may permit members of the public and the Administration to speak on a matter, provided such speakers maintain proper order and decorum. in an orderly fashion and in keeping with proper decorum.

(c) The ~~Committee Chairperson~~, in consultation with ~~Committee staff~~ the Clerk's office, shall set the Ccommittee agenda. The Chairperson shall set the date and time for any continued hearing and shall notify the ~~Committee secretary~~ Clerk's office of such.

(d) The ~~Committee secretary~~ Clerk's office shall be responsible for posting the Ccommittee agenda. An agenda for each Ccommittee meeting shall be ~~delivered to the Mayor, Council, and Council Appointees published~~ at least one (1) working day prior to the Ccommittee meeting, and shall be posted in conformance of state law. The agenda shall be composed of items referred by the Council or Committee on Committees as well as items within the Ccommittee work plan.

e) ~~A committee~~ The eChairperson may call a special meeting of their his/her respective committee to consider any item referred to it. Notice of a meeting of a committee shall be given to the Clerk no later than twenty four (24) hours, excluding weekends, prior to the meeting,

excluding weekends. The Clerk shall give all appropriate notices as provided by law. *[moved from Rule old 7.07]*

(See KRS § 61.823)

4.07 Committee Actions with Quorum

With a quorum ~~present~~, a committee may ~~make~~ take the following actions: ~~recommendations to the Council for consideration:~~

- (~~a) Recommend amendments to~~ Amend an item;
- (~~b) Recommend an item for passage or denial;~~
- (~~c) Make no recommendation on~~ Forward an item to the Council with no recommendation;
- (~~d) Table an item;~~
- (~~e) Make a request to the Internal Auditor for review of the reasonableness of a financial impact statement. This request will not be granted if two-thirds of council members in attendance at a Committee meeting vote against such request. A request that is made and granted shall automatically table an item until either the review is complete or the expiration of 30 days, whichever occurs first. To~~ Refer an ordinance pending before a Committee to the Internal Auditor for the preparation or review of a Financial Impact Statement. Such statement shall provide the Council with the unbudgeted costs associated with the implementation of the ordinance before the Committee. The motion to refer to the Internal Auditor shall be granted by the Committee unless two-thirds (2/3) of the Committee ~~m~~Members present vote against the motion. A motion to refer to the Internal Auditor shall not be in order at a regular ~~Metro~~ Council meeting. Ordinances referred to the Internal Auditor shall automatically be tabled on the Committee agenda until the next regular meeting of the Committee. A motion to refer to the Internal Auditor on the same ordinance at a subsequent Committee meeting shall be out of order. *[moved from old Rule 7.08 and Rule 5.11(j)]*

4.08 Committee Actions Without Quorum

With no quorum ~~present~~, the Committee Chairperson may send an item out of committee to the ~~full~~ Council, ~~without a committee~~ no recommendation. The item shall be placed under Ordinary Business. *[moved from old Rule 7.09]*

4.095 Committee Minutes

The ~~assigned staff Clerk's office staff~~ shall keep ~~a record~~ minutes of the ~~meetings and~~ actions taken by the Committee. ~~Reports~~ Minutes of each committee shall be in writing and presented to the Council: ~~for approval~~ A report or matter approved by a Committee shall be forwarded to the Council and appear on the Council's agenda at the next Council meeting following the Committee meeting. *[first sentence moved from old Rule 4.08, second sentence moved from newly-numbered Rule 4.05(b)]*

(See KRS § 61.835)

4.1006 Vote to Accept Committee Minutes

The Council shall vote to accept the Committee Report minutes and take all actions contained in the Report minutes, other than to approve an ordinance, resolution, or contract. Council ~~m~~Members who do not concur with a recommendation may request an amendment, a separate

vote, or may ask that a 'no' vote be recorded with regard to that recommendation.

4.1107 Committee Recommendations

The Committee may recommend that an ordinance or resolution be introduced or amended or that a contract be awarded. If the ordinance, resolution, or contract has been prepared before the date on which it shall be considered by the Council, it shall be placed under a separate agenda item and acted upon separately from approval of the Committee ~~report~~ minutes. If the ordinance, resolution, or contract is not ready for formal action, the Committee ~~report~~ minutes shall be understood to provide direction to the Jefferson County Attorney or Metro Legal Counsel to prepare the necessary documents. Regardless, all ordinances, resolutions, or contracts, shall carry an authorizing signature from the Jefferson County Attorney or Metro Legal Counsel or a designee thereof, as to form and legality, prior to any formal introduction or action by the Council as stipulated in Section 6 of these Rules.

~~4.08~~—

~~The assigned staff shall keep a record of the meetings and actions taken by the Committee.~~
[moved to newly-numbered Rule 4.09]

4.1209 Action Limited to Committee Meetings

No committee action shall be taken on any item outside a duly constituted committee meeting.

4.130 Speaking at Committee Meetings

Council ~~Appointees~~ Members or their designees may attend and speak at all committee meetings, but shall have no vote therein, except as set forth in Rule 4.03(d).

4.141 Committee to Report Without Delay; and Discharging of Matters Before Committees

The Committees shall report on all matters referred to them by the Council without unnecessary delay. If the Council desires to remove a matter from the jurisdiction of a Committee, it may, at a regular meeting of the Council, discharge said Committee from further consideration of the matter, per Rule 7.04.

SECTION 4A. STANDING COUNCIL COMMITTEES

4A.01 Committee on Committees

The Committee on Committees is a standing committee composed of the President and the Chair and Vice Chair of the two largest caucuses, as determined under Rule 113.02, ~~and composed of members determined under Rule 2.01(h).~~ In the event, a party ~~or~~ of the same political affiliation has four (4) or more members and is not one of the two largest Caucuses, as determined under Rule 113.02, then such party ~~or~~ of political affiliation shall have one (1) member who serves on the Committee on Committees. *[moved from Rule 2.01(i)]*

4A.02 Budget Committee

The Budget Committee is a standing committee composed in accordance with Rules 2.01(i) and 4.01 and established for ~~Metro~~ the Council to ~~comply with its duty in KRS 67C.103(13)(e) to~~ approve a budget.

(See KRS § 67C.103(13)(c))

4A.03 Appointments Committee

The Appointments Committee is a standing committee composed in accordance with Rules 2.01(hi) and 4.01. The Council designates the Appointments Committee with the powers granted in KRS § 67C.139(1)(b) to appoint members to boards and commissions when the Mayor fails to appoint or reappoint within ninety (90) days of the term's expiration.

(a) LMCO 32.~~XX~~001 requires the Mayor to maintain appointment terms for all the boards and commissions that are subject to shifting appointing authority under KRS § 67C.139(2)(b).

(b) The ~~Metro Council~~ Clerk will monitor Granicus, or such other subsequent system used to report appointment terms, to determine if or when any board or committee vacancy has passed ninety (90) days without an appointment made by the Mayor. The ~~Metro Council~~ Clerk will notify the Chair of the Appointments Committee following the expiration of the Mayor's ninety-day (90) appointment time. The ~~Metro Council~~ has thirty (30) days to make such appointment from the date the Mayor's appointment expires. If the ~~Metro~~ Council fails to make such appointment within that ~~30~~-thirty-day (30) period, then the appointment returns to the Mayor.

(c) The Chair of the Appointments Committee shall schedule a special meeting or add the new appointment to the next regularly scheduled Appointments Committee agenda for the committee to nominate a candidate for appointment to the vacancy of the board or commission.

(d) Any ~~m~~Member of the Appointments Committee may nominate a candidate for appointment to the board or commission with a written nomination containing the candidate's qualifications for membership on the board or commission. Appointments may be filed at or before the Appointments Committee meeting and are not required to comply with Rule 6.021.

(e) Nominations shall comply with all criteria required for membership on the vacant board or commission and should take into account the political, geographic, gender, age, ~~and~~ racial, and other elements of diversity of the population. Committee ~~m~~Members may consider candidates from Granicus or any other qualified candidates for nomination.

(f) The Appointments Committee will follow Rule 4.07-7.08 when considering

appointment resolutions. Appointments will be considered at the next regular or special Metro Council meeting under ~~Old~~ Business on the agenda.

(g) ~~Metro~~ Council Members may make additional nominations during ~~Metro~~ Council ~~M~~meetings so long as any new nominations complies with subsection ~~E~~ (e) of this Rule and is presented in written form.

(h) The appointment requires a majority vote, pursuant to Rule 5.07, at the ~~Metro~~ Council meeting.

(i) The ~~Metro Council~~ Clerk shall present any approved appointment to the Mayor so the appointment may be communicated to the applicable board or commission. The ~~Metro Council~~ Clerk will also communicate the approved appointment resolution to the appointee.

(See also KRS §§ 67C.103(14))

4A.04 Government Oversight and Audit Committee

The Government Oversight and Audit Committee is a standing committee as established in KRS § 67C.103(14) with the powers therein, and composed of ~~e~~Committee ~~m~~Members as ~~established~~ setforth in subsections (a) and (b) of this Rule.

(a) **Membership.** The ~~e~~Committee membership shall be appointed by the ~~e~~Chairs of the two largest political caucuses established in Section 1 ~~13~~ of these Rules. Committee appointments shall be proportional based on the total membership of said caucuses with any fractional proportions rounded in the favor of the smallest caucus' membership on the ~~e~~Committee.

(b) **Subpoenas authority and process.** The Government Oversight and Audit Committee has the power to issue subpoenas to compel any officer of or appointee to a board or commission as described in KRS § 67C.103(13)(f) or any department or division of Louisville Metro Government (i) to testify ~~mony~~ at its committee and/or (ii) to produce work papers or documents pertinent to an independent audit or investigation.

1. An Independent audit or investigation must be approved either by a majority vote of the Council or a majority vote of the Government Oversight and Audit Committee as follows: ~~(a)~~ the Council would vote on a resolution to initiate an independent audit or investigation; ~~(b)~~ (i) the Government Oversight and Audit Committee would vote on a written order to initiate an independent audit or investigation as introduced by any Council Member at or before the Committee meeting. Approval of either a written order or a resolution is required before the Government Oversight and Audit Committee may issue subpoenas connected with any investigation or audit.

2. Subpoenas may be issued only with ~~an affirmative vote of a majority vote of a~~ quorum of the entire ~~e~~Committee. *Policy Consideration: Should this be a vote of the entire committee as noted here? Consider that if there were 13 committee members and only 7 were present, a subpoena could be issued with a vote of just 4 of the 13 committee member's approval.*

3. Sworn testimony before the ~~e~~Committee may be compelled only with ~~an affirmative vote of a majority vote of a quorum~~ of the ~~e~~Committee.

4. Testimony subject to any exception of the open meetings law contained in KRS § 61.810 shall only be taken in closed session, unless waived by the person or entity compelled or asked to testify.

5. The presiding officer of the ~~e~~Committee will issue subpoenas and anything

enacted by the eCommittee that is not considered by the ~~full Metro~~ Council.

6. The eCommittee may petition Jefferson Circuit Court to compel compliance with a subpoena, if there is a failure or refusal to testify or produce work papers or documents identified in a subpoena issued by the eCommittee. The petition may be issued only with ~~an affirmative vote of a majority~~ vote of a quorum of the eCommittee.

(c) **Removal authority and process.** The Government Oversight and Audit Committee may recommend to the ~~full Metro~~ Council the removal of a member of a board or commission who is either a member (i) appointed by the ~~m~~Mayor and approved by the legislative council or (ii) has a budget that is equal to or greater than one million dollars (\$1,000,000.00), except that this ~~subsection paragraph~~ shall not apply to any fee officer elected within the Louisville Metro Government. An appointed member of a board or commission meeting the preceding criteria may be removed in the following manner:

1. Any ~~m~~Member of ~~Metro~~ the Council may initiate the process for removal of an appointed member by filing a resolution, in compliance with Rule 6.02~~1~~ for new legislation, that contains the name and address of the appointed member, the board or commission, the other members serving on the board or commission, and the reasons for the eCommittee to consider removal of the appointed member from the board or commission.

2. The ~~Metro Council~~ Clerk shall issue a copy of the resolution to the appointed member of the board or commission who is facing removal at the mailing address provided by the sponsor of the resolution. A copy of the resolution should identify the date and time of the eCommittee meeting when a date for the removal hearing will be scheduled.

3. The eCommittee eChair shall schedule a removal hearing date for the eCommittee to consider testimony and evidence presented in support and defense of the appointed member facing removal from the board or commission.

4. Recommendations for removal of an appointed member from the board or commission require ~~an affirmative vote of a majority~~ vote of a quorum of the eCommittee on the removal resolution. Only recommendations for removal may be considered for a vote by the ~~entire Metro~~ Council. If the resolution recommending removal of an appointed member fails to receive ~~an affirmative~~ a vote of the majority of the Committee, the legislation dies in eCommittee.

5. Following a removal recommendation by the eCommittee, pursuant to KRS § 67C.143(3), a two-thirds (2/3) vote of the total number of legislative council members is required to remove an appointed member from the board or commission.

6. The ~~Metro Council~~ Clerk shall present any approved removal resolution to the Mayor to be communicated to the applicable board or commission. The ~~Metro Council~~ Clerk will also communicate any enacted removal resolution to the appointed member at the mailing address provided on the resolution.

SECTION 5. MOTIONS, DEBATES, AND VOTES

5.01 Motions

The ~~President~~ presiding officer shall state the motion and second on the floor. If by writing, the motion shall be handed to the ~~chair~~ presiding officer and read aloud by the Clerk. ~~Every~~ Motions shall be reduced to writing if the ~~President~~ presiding officer or any ~~m~~Member desires it.

5.02 Motions Considered and Withdrawal of Motions

If a motion is stated by the ~~President~~ presiding officer or read by the Clerk, it shall be considered in possession of the Council or committee, but the mover may withdraw it at any time before a decision or amendment is made.

5.03 Relevancy of Motions

No motion or amendment dealing with a subject different from that under consideration shall be admitted under color of an amendment.

5.04 Member Debate

In order for a ~~m~~Member to speak or debate a subject, which is open to debate, the ~~President~~ presiding officer must first recognize the ~~m~~Member. A ~~m~~Member may speak only on matters germane to the business or questions under debate for such a period of time as the ~~President~~ presiding officer may designate. When two or more ~~m~~Members seek recognition at about the same time, the ~~President~~ presiding officer shall designate who shall have the right to speak. Without objection, ~~m~~Members may submit to the Clerk, with copies to all ~~m~~Members present, written remarks to be included in the ~~Journal of the Council~~ minutes for the meeting at which said written remarks are submitted. Whenever the subject of the motion has been discussed and considered and roll call has been started, there shall be no further discussion or debate except that ~~m~~Members of the ~~e~~Council may be allowed to explain their vote or propose supplemental motions.

5.05 Introduction of Petitions, Memorials, and Other Papers

Petitions, memorials, and other papers addressed to the Council may be presented by any ~~m~~Member of the Council ~~or any member of the public who has permission of the majority of the Council to do so~~, and the ~~person~~ Member so presenting said petitions, memorials, or other papers shall briefly state to the Council the contents thereof, which may be received and read or, at the direction of the President, entered into the ~~record~~ minutes or referred to an appropriate committee.

Petitions, memorials, and other papers addressed to a committee may be presented by any Member of the Council or any member of the public who has permission of the presiding officer to do so, and the Member or person so presenting said petitions, memorials, or other papers shall briefly state to the committee the contents thereof, which may be received and read or, at the direction of the presiding officer, entered into the minutes.

5.06 Voting

Voting by ~~m~~Members shall be recognized in the following manner:

- (a) In order for a ~~m~~Member's vote to be counted, he/she must be present and the vote

must be recorded by the Clerk, and once voting has concluded with respect to an item, any further voting on such item may not occur without an approved motion to reconsider pursuant to Robert's Rules of Order;

(b) All questions put to a vote shall be for or against the measure, except in matters of conflict as stipulated in ~~Section Rule 5.08~~, when a member casts a vote of "present," and motions made regarding the election of ~~Council President, Council Appointees, or Council Clerk~~;

(c) The vote ~~of the members~~ of the Council on any ordinance shall be taken by roll call, ~~voice~~ or by electronic means.

d) The vote of the Council on any resolution shall be taken by voice, roll call, or electronic means, per Rule 5.09.

e) Any Council ~~m~~Member who is present at a meeting, but does not vote, ~~or abstains, or votes "present"~~ on a particular matter, will be treated as having cast a vote neither for nor against such matter. *[moved from old Rule 7.13]*

f) Roll call votes shall be called in ~~district~~ numerical order by district (1 through 26). *[moved from Rule 5.07]*

5.07 Requisite Vote Definitions

Pursuant to KRS 67C.103(2), there are twenty-six (26) council districts represented by one (1) Council Member elected from each district. For the purposes of these Rules, the term "entire council" is synonymous with "membership of the council" and the following vote definitions shall apply:

a) "Majority" vote means more than half of the votes cast by Members present and entitled to vote at a Council or committee meeting;

b) Proportional votes (i.e. two-thirds (2/3) or three-fourths (3/4)) means at least the proportion of votes cast by Members present and entitled to vote at a Council or committee meeting;

c) "Majority of entire Council" means at least fourteen (14) votes because it refers to the total number of Council Members;

d) "Two-thirds of entire Council" means at least eighteen (18) votes because it refers to the total number of Council Members.

Policy Consideration: These definitions come from Robert's Rules of Order and a Westlaw article and may be helpful to regarding the various types of votes used in these rules. Adding this section is a policy consideration for the Council.

5.07—

~~Roll call votes shall be called in district numerical order (1 through 26). Except as otherwise required by law or these rRules, any measure before the Council shall require for approval an affirmative vote of the majority of the members present and voting, excluding abstentions.~~*[first sentence moved to new Rule 5.06(f)]*

5.08 Conflict of Interest

If As soon as a Councilperson Member believes that he/she has a conflict of interest in a matter before the full Council or a committee, the Council mMember must shall advise the Council or committee of the interest or perceived conflict of interest and that he/she ~~be excused from voting shall abstain from casting a vote for or against any ordinance, resolution, or any other matter and~~

shall not participate in the debate on the matter. In the case of a Council meeting, the interest and reasons for an abstention shall be entered verbatim in the ~~Journal minutes~~; and in a committee meeting, he/she may request that a statement be entered in the minutes of the meeting. ~~In this particular instance, a Council member who is excused from voting on an item will be considered as not having cast a vote on such item.~~*[much of this language is incorporated from Rule 7.13]*

5.09 Voting on Amendments and Resolutions

The Council or committees may vote on any amendment or resolution by voice vote. If the ~~President~~ presiding officer cannot discern whether the question passed or failed, he/she may request a roll call vote of which shall be registered by the Clerk in writing. Any ~~m~~Member of the Council or committee may, at any time before the next item is read into the record, request a roll call vote similarly.

5.10 Tie Vote

Upon any tie vote, the question is lost.

5.11 Hierarchy of Motions During Question

When a question is under consideration, no motion shall be in order except:

- (a) To call the Council when there is no quorum present;:
- (b) To adjourn;:
- (c) ~~To resolve into a committee of the whole.~~ To lay on the table;
- (d) For the previous question;:
- (e) ~~To lie on the table.~~ To limit debate. A motion to limit debate shall apply to Council ~~M~~meetings only, not committee meetings. When a motion to limit debate is made and an objection is made, a vote by the majority of the Council ~~m~~Members ~~present~~ shall be the deciding vote on whether the debate shall be limited. A motion to limit debate is not debatable. If a motion to limit debate successfully passes, then debate on a particular ordinance or resolution shall be limited to 1.5 hours after the motion is successfully made, ~~at which~~ Upon the expiration of said time limit, the ordinance or resolution, amended or not, shall be automatically called for a final vote;:
- (f) To postpone to a fixed time ~~or indefinitely;~~
- (g) To commit (or refer, and includes the motion to refer/go to a committee of the whole);:
- (h) To amend;:
- i) To postpone indefinitely; or
- (j) To refer an ordinance pending before a Committee to the Internal Auditor for the preparation or review of a Financial Impact Statement, as described in Rule 4.07(e). ~~Such statement shall provide the Council with the unbudgeted costs associated with the implementation of the ordinance before the Committee. The motion to refer to the Internal Auditor shall be granted by the Committee unless two thirds (2/3) of the Committee ~~m~~Members present vote against the motion. A motion to refer to the Internal Auditor shall not be in order at a regular Metro Council meeting. Ordinances referred to the Internal Auditor shall~~

~~automatically be tabled on the Ccommittee agenda until the next regular meeting of the Ccommittee. A motion to refer to the Internal Auditor on the same ordinance at a subsequent Ccommittee meeting shall be out of order.~~*[moved to newly number Rule 4.07(e)]*

~~(j) — To limit debate. A motion to limit debate shall apply to Council Mmeetings only, not committee meetings. When a motion to limit debate is made and an objection is made, a vote by the majority of the Council members present shall be the deciding vote on whether the debate shall be limited. A motion to limit debate is not debatable. If a motion to limit debate successfully passes, then debate on a particular ordinance or resolution shall be limited to 1.5 hours after the motion is successfully made, at which the expiration of said time limit the ordinance or resolution, amended or not, shall be automatically called for a final vote.~~

The above motions shall have precedence in the order in which they are arranged. Exceptions "(a) through (e) and (i) g" shall not be debatable. Except for the motion to amend, none of the above motions shall be in order if made a second time upon the same question, and at the same status unless other business intervenes. The adoption of the motion to ~~lie~~lay on the table, defeats the subject matter under consideration. The reconsideration of the motion to table shall require the approval of a majority of the members of the Council or committee. If a measure has been postponed indefinitely, it shall not be in order again during the meeting.

5.12 Motion to Reorder; Dispense with Rule; and Call Legislation Out of Order

A motion to proceed or dispense with the order of the day, dispense with any rule of the Council, or to take up an ordinance or resolution out of its regular order, shall require a two-thirds (2/3) vote of the Council Members, ~~except that a motion to suspend Rule 6.021 shall be in order only if presented in writing, and signed by all Council members in attendance.~~ A motion to commit or reconsider any matter shall be considered without debate. A motion to reconsider a vote shall not be made after the next meeting of the Council at which such vote was adopted.

Two Policy Considerations: The highlighted sentence of this Rule is not something the Council follows and it is not a Rule in regards to KRS. Therefore, the Council should consider removing this language or begin following this procedure. (If this language is not deleted, consider making it a new sentence and the rule referenced should be 6.02.)

The second highlighted sentence of this Rule is not in agreement with Robert's Rules of Order, which is fine. But does the Council mean to make the motion to commit undebatable? If so, we need to edit the last paragraph of Rule 5.11 to include "g" as being undebatable.

~~5.13~~

~~The effect of submitting the previous question shall be: To put an end to all debate, bring the Council's direct vote upon amendments reported by the committee, if any, then upon the main question.~~

5.134 Challenge to Presiding Officer's Decision

The validity of the decision of the ~~President~~ presiding officer on any question of order may be appealed to the Council or committee on the request of one (1) ~~m~~Member. During the pendency of any appeal, the ~~President~~ presiding officer shall vacate the chair and call the President Pro-Tem or Vice Chair to preside. No motion or business shall be in order except the motion on appeal from the decision of the ~~President~~ presiding officer, and that motion shall not be debatable, except that the person making the motion may explain the basis of the motion and the President Pro-Tem or Vice Chair may call upon the Jefferson County Attorney for an explanation and/or advice on a point of parliamentary procedure pursuant to KRS § 67C.115.

5.145 Robert's Rules of Order Dictate in Certain Situations

In the absence of a standing rule of the Council, the Council shall have reference to the latest edition of Robert's Rules of Order and shall proceed and decide questions under the rules therein ~~set out~~ for all applicable cases ~~in which it is~~ which are not consistent with the Constitution and statutes of the Commonwealth of Kentucky.

~~5.16~~

~~No motion to rescind or amend any standing rule or order of the Council or to introduce a new rule shall be in order unless notice thereof has been given on the Tentative Agenda.~~

5.157 Necessary Votes to Overturn Zoning Decision

Pertinent to zoning cases, a majority of the entire Council is required to overrule a Planning Commission recommendation, not just a majority of those ~~m~~Members present. A Council ~~person~~ Member who is present, but does not vote or abstains on a particular item, will be treated as having cast a vote neither for nor against such item.

(See KRS § 100.211(h))

SECTION 6. INTRODUCTION OF ORDINANCES, RESOLUTIONS, CONTRACTS, & AND LEASES

6.01 Legislation Must Comply with Rules

The Clerk ~~of the Council~~ may not accept any ordinance or resolution which does not comply with these provisions set forth in these Rules.*[moved from Rule 6.05]*

6.02~~1~~ Deadline for Legislation and Procedure for Legislation Received After Deadline

The Clerk ~~of the Council~~ shall receive all ordinances and resolutions to be ~~enacted~~ introduced at any regular meeting of the Council, by Monday at 12:00 ~~PM~~p.m. (or in case of a holiday falling on Monday, the prior business day) prior to the regular Thursday meeting of the Council. ~~The Clerk shall then cause a Tentative Agenda to be prepared and distributed to the Council members by Monday at 5:00 PM.~~ Should a Council Member request the addition of an ordinance or resolution to the Council agenda after the 12 p.m. deadline, the requesting Council Member or their designee shall appear before the next scheduled Committee on Committees and petition the Committee to permit the ordinance or resolution to be added to the Council meeting agenda. If the Committee on Committees is cancelled, the President shall have the authority to approve or deny requests to add late ordinances or resolutions up until 5:00 p.m. of the day of the cancelled Committee on Committees meeting.*[moved to newly-numbered Rule 6.05]*

6.03~~2~~ Submitting Legislation

The Mayor, the Jefferson County Attorney's Office, ~~"Research Ordinance Commission,"~~ or Metro Legal Counselor, or any department, agency, joint agency, or instrumentality of the Metro Government, or appropriate employee of such department, heretofore referenced as the ~~sponsoring requesting~~ "entity," shall submit an ordinance or resolution to be considered for sponsorship by a Council Member to the Clerk's Office for introduction within the timeline stated in Rule 6.02. ~~to be introduced by a member of the Council.~~

The ~~person submitting~~ requesting entity and the Council Member sponsoring the ordinance or resolution ~~shall supply to the Clerk~~ are responsible for ensuring that the Clerk receives the following:

- (a) ~~An original and an electronic copy of the ordinance or resolution;~~
- (~~ba~~) An electronic ~~and one (1) hard~~ copy of the ordinance or resolution ~~signed by the County Attorney, which shall conform to the specifications set forth in the Metro Council Policies and Procedures Manual and including all attachments of a memorandum~~ explaining the ordinance or resolution;*[moved from the last line in this Rule]*
- (~~eb~~) The name of the sponsor(s) of the ordinance or resolution;
- (~~dc~~) A financial impact statement, as called for by Ordinance No. 11, Series 2004 and as amended by Ordinance No. 174, Series 2014, in the case where the ordinance or resolution requires the acceptance or expenditure of unbudgeted monies.

A hard copy of all ordinances and resolutions with the signature of an ~~designee of the Assistant Jefferson County Attorney's Office~~ with approval of form and legality shall be submitted to the Clerk by said office prior to introduction. ["Form" shall mean that the ordinance was drafted in compliance with 83A.060(1),(2), and (3) and other applicable law. "Legality" shall mean that it was reviewed pursuant to the provisions of 83A.060 and that the ordinance on its face does not

violate the United States or Kentucky Constitutions or any federal or state laws. Upon receipt and approval by the requesting individual, the draft document will receive the signature of designated representatives of the JCAO.]All of which shall conform to the specifications otherwise set forth herein.*[moved up to subsection (a) of this Rule]*

6.043 Sponsorship of Legislation

a) Only a Council mMember may introduce an ordinance, resolution, contract or lease to be considered by the full Council.*[moved from Rule old 7.01]*

(ab) A Council mMember shall be consulted by the above-referenced-submitting requesting entity prior to the Council mMember's name being placed on an ordinance or resolution as a sponsor. The Clerk may only accept those ordinances or resolutions that have a Council mMember sponsoring them before they may to be placed on the Tentative Agenda as contained in Rule 6.054 above and/or the Final Agenda as provided in Rule 6.06 below.

(bc) After an ordinance or resolution has been introduced surpassed the new business deadline as established in Rule 6.02, a Council mMember may become a cosponsor of an ordinance or resolution with the written permission of an original sponsor by informing the Clerk up until the time a Council or Ccommittee meeting begins. At a Council or Ccommittee meeting, a cosponsor may be added by requesting and being given approval by an original sponsor up until the time an ordinance or resolution is voted on in such Council or Ccommittee meeting.

~~6.04~~

~~Specifications for Ordinances and Resolutions:-~~

- ~~(a) All original ordinances and resolutions shall be "typewritten" on an 8 ½ x 11-inch white paper. The term "typewritten" shall include printed, processed or photocopied material;~~
- ~~(b) All electronically submitted ordinances and resolutions shall be in a format compatible with the computer hardware and software used by the Clerk's office;~~
- ~~(c) All ordinances and resolutions shall be double spaced except for the title which shall be single spaced;~~
- ~~(d) Each ordinance or resolution shall include directly below the title thereof the phrase "sponsored by" followed by the name(s) of the member(s) sponsoring the ordinance or resolution;~~
- ~~(e) All ordinances or resolutions shall be submitted and signed by the County Attorney or Metro Legal Counsel for his/her review as to form and legality prior to their introduction.~~*[This section is being rewritten and moved to the policies and procedures manual.]*

~~6.05~~

~~The Clerk of the Council may not accept any ordinance or resolution which does not comply with these provisions.~~*[moved to newly-numbered Rule 6.01]*

6.05 Tentative Agenda

The Clerk shall ~~then~~ cause a Tentative Agenda to be prepared and distributed to the Council members by Monday at 5:00 ~~PM~~p.m.*[moved from newly-numbered Rule 6.02]*

6.06 Final Agenda

By 2:00 p.m. on the business day prior to the regularly scheduled meeting of the Council, the Clerk shall cause a ~~f~~Final aAgenda to be prepared for that meeting. The Final aAgenda shall include all items on the Tentative Agenda unless the Clerk is otherwise informed. ~~The Clerk shall place committee reports under old business in the order in which such reports are received.~~

a) No ordinance or resolution shall be added to the ~~f~~Final aAgenda that was not listed on the ~~t~~Tentative aAgenda, ~~without the approval of the President and notification to the Clerk except as provided under the provisions established in Rule 6.02;~~

Policy Consideration: Removing this power from the President will allow for equal treatment of all legislation. Do you want to make the change highlighted above?

b) No item ~~may shall~~ be added to the Final aAgenda after 12 ~~p.m. noon~~ on the business day prior to the regularly scheduled meeting of the Council, ~~except in the instance of an omission by the Clerk's office. Any ordinance or resolution that is not in the proper and final form by 2:00 p.m. on the business day prior to the regularly scheduled Council meeting, may be pulled from the agenda by the President or the Clerk.~~*[moved to create new subsection Rule 6.06(c)]*

c) Any ordinance or resolution that is not in the proper and final form by 12:00 p.m. on the business day prior to the regularly scheduled Council meeting, may be pulled from the agenda by the President or the Clerk.*[moved from Rule 6.06(b)]*

6.07 Introduction of Legislation

An ordinance, ~~or~~ resolution ~~or motion~~ is introduced when: the Clerk, sponsoring Council Member, or presiding officer reads the title of said ordinance or resolution at a regular or properly-called special meeting of the Council. The reading of the title of an ordinance or resolution shall constitute the reading of a summary thereof.*[first part of the sentence is from (a) and (b) below and the second part was moved from newly-numbered Rule 7.05(d)(2)]*

- ~~(a) The Clerk, acting upon the motion of one or more sponsoring Council members, reads the title of said ordinance or resolution at a regular or properly-called special meeting of the Council, or;~~
- ~~(b) When the sponsoring Council member reads the title, or;~~
- ~~(c) The motion is properly seconded.~~

6.08 Legal Specifications for Legislation

An ordinance or resolution shall:

- (a) Embrace but one subject;
- (b) Have a title which clearly states the subject matter;
- (c) Have an enacting clause, in the case of ordinances which ~~reads~~ includes: “Be it ordained by the Legislative Council of the Louisville/Jefferson County Metro Government,” or in the case of resolutions, have a resolving clause which ~~reads~~ includes: “Be it resolved by the Legislative Council of the Louisville/Jefferson County Metro Government;” and;
- (d) Conform to all of the technical requirements ~~of Rule 6.04 as set forth in the Metro Council Policies and Procedures Manual.~~

(See KRS §§ 83A.060 and 83.500)

6.09 Professional Service Contract Resolution Requirements

A resolution approving a professional service contract (~~“PSC”~~) shall include ~~the PSC number,~~ the name of the entity that is being contracted with, the amount of the ~~PSC contract,~~ what department of ~~the~~ Metro Government has asked for the ~~PSC contract,~~ what services will be rendered under the contract, and the effective dates of the contract, ~~and whether the contract is a renewal PSC or not.~~ Include an electronic copy of the signed contract and the Non-Competitive Contract Form (NCCR) as an attachment with the resolution.

6.10 Resolution Requirements for Authorizing Grants

A resolution authorizing the Mayor to accept a grant shall include the name of the entity providing the grant to ~~the~~ Metro Government, the amount of the grant, what department of ~~the~~ Metro Government will receive the grant, what product, services, property or equipment the grant will make possible, and whether it is a new or continuing grant, including any supporting documentation.

6.11 Procedure for Council Contracts

Prior to a contract or lease being drafted, a memo or form detailing the service, the cost, the manner of payment, the contractor, whether the services are for the entire Council or for one (1) or more Council ~~m~~Members, and identifying the available funds either in the Council’s budget or the Council ~~m~~Member’s individual cost center should be given to the President of the Council. ~~Personal service eContracts shall~~ may be negotiated by the President. The President ~~of the Council~~ shall present such requests to the Committee of the Whole and shall request the authority to process the request accordingly to applicable procurement regulations. The Committee of the Whole’s action can be either at a meeting of the Committee or at a Council meeting and requires a majority vote. ~~A vote by the majority of the Council shall be required to cancel a professional service contract.~~ Termination of such contract shall be done in the same manner in which it was approved. *[moved from 9.02]*

SECTION 7. CONSIDERATION OF ORDINANCES, RESOLUTIONS, CONTRACTS, & AND LEASES

~~7.01~~

~~Only a Council member may introduce an ordinance, resolution, contract or lease to be considered by the full Council. No ordinance shall be passed at the meeting of the Council at which it is introduced, nor shall it be passed at any succeeding meeting unless it has been read at that meeting and free discussion allowed thereon. Any ordinance may be amended or repealed by another ordinance.~~*[first sentence moved to new subsection 6.04(a) and the rest of this is moved to newly-numbered Rule 7.02]*

7.01 Procedure for Enacting Legislation

No ordinance or resolution shall be passed at the meeting of the Council at which it is introduced, nor shall it be passed at any succeeding meeting unless it has been read at that meeting and free discussion allowed thereon-, except: *[moved from old Rule 7.01]*

a) ~~An ordinance may be introduced and enacted if~~ When an ordinance or resolution is deemed an emergency by ~~an affirmative a~~ vote of eighteen (18) members two-thirds (2/3) of the membership of the Council. ~~This action shall suspend the requirements of Rule 7.01 concerning a second reading.~~ The ordinance shall describe the nature of the emergency in the body of the ordinance. *[moved old from 7.12]*

b) ~~A resolution pertaining~~ When a resolution pertains to an administrative act or function of the Council, ~~may be passed at the same meeting at which it was introduced.~~*[moved from Rule 7.04]*

Any ordinance may be amended or repealed by another ordinance.*[moved from old Rule 7.01]*

Policy Consideration: Currently the rules do not directly address how many readings a resolution needs in order to be passed, except for those addressed in subsection (b) of this rule. Do you want to add the language highlighted above that generally means resolutions will have two readings, but in the case of an emergency or administration act or function, they only need one reading?

(See KRS §§ 83A.060 and 83.500)

7.02 President to Refer Legislation to Committee

Upon introduction, ~~E~~every ordinance propositions, petitions, resolutions, appointment, or other matter connected with the Council shall be referred by the President to the appropriate committee for consideration and reasonable time shall be given any ~~m~~Member of the Council to be heard before such committee.*[moved from old Rule 7.03]*

~~7.03~~

~~All propositions, petitions, resolutions, or other matter connected with the Council upon introduction shall be referred to the appropriate committees for consideration upon the request of any member and reasonable time shall be given any member of the Council to be heard before such committee.~~*[combined with Rule 7.02]*

~~7.04~~

~~A resolution pertaining to an administrative act or function of the Council may be passed at the same meeting at which it was introduced.~~*[moved to newly-numbered Rule 7.01(b)]*

7.035 Rejected Legislation Not to be Reintroduced

All propositions, ordinances, or resolutions, rejected by the Council, shall not be reintroduced

during the term of the ~~sitting~~ Council, as described in Rule 1.02, unless by special request granted by a vote of a majority of the ~~m~~Members of the Council.

~~7.06~~

~~A chairperson of a committee is a voting member of the committee and may make or second any motion at a meeting of the committee. A quorum of a committee shall be a majority of the members appointed to the committee, excluding the President. However, if the President's presence is required to make a quorum of a committee meeting, then the President shall be counted to make a quorum for such meeting and shall be a voting member for that meeting only. Nevertheless, any Council member, including the President, may cast a vote in the zoning committee on any zoning change located in his/her district and whose presence shall be counted toward a quorum only on the item affecting that district.~~*[moved to newly number Rule 4.03]*

~~7.07~~

~~A committee chairperson may call a meeting of their respective committee to consider any item referred to it. Notice of a meeting of a committee shall be given to the Clerk no later than 24 hours, excluding weekends, prior to the meeting. The Clerk shall give all appropriate notices as provided by law.~~*[moved to newly number Rule 4.06(e)]*

~~7.08~~

~~With a quorum present, a committee may make the following recommendations to the Council for consideration:-~~

- ~~(a) Recommend amendments to an item;~~
- ~~(b) Recommend an item for passage or denial;~~
- ~~(c) Make no recommendation on an item to the Council;~~
- ~~(d) Table an item.~~
- ~~(e) Make a request to the Internal Auditor for review of the reasonableness of a financial impact statement. This request will not be granted if two-thirds of council members in attendance at a Committee meeting vote against such request. A request that is made and granted shall automatically table an item until either the review is complete or the expiration of 30 days, whichever occurs first.~~*[moved to newly-numbered Rule 4.07]*

~~7.09~~

~~With no quorum present, the committee chairperson may send an item out of committee to the full Council, without a committee recommendation. The item shall be placed under Old Business.~~*[moved to newly-numbered Rule 4.08]*

7.0410 Discharge Petition

The chairperson presiding officer of a committee ~~to whom is referred any subject for consideration shall submit the report of the committee should allow such committee to consider any matter referred to it~~ within a reasonable time, ~~but a~~At any time, upon presentation to the ~~chairperson~~ President and notification to the Clerk's office, either in writing or by electronic means, of a petition signed by fourteen (14) ~~m~~Members of the Council, the subject matter may be recalled from the committee and ~~forthwith~~ considered by the Council in the same manner as if

the committee had ~~reported~~ made a recommendation to the Council. The petition must be submitted to the Clerk's office by 12:00 p.m. on the business day prior to the regularly scheduled meeting of the Council.

7.0511 Consent Calendar and Old Business

(a) The presiding officer of a ~~A~~ Committee Chairperson may refer any item to the Council whereby the respective committee passed an item by a unanimous vote. The item may be placed on ~~the~~ eConsent eCalendar ~~for the next regular Council meeting on the Council meeting agenda.~~

(b) If an item received less than a unanimous vote or was amended in committee, it shall be considered under Old Business. Any vote on an item in which there is an abstention, a vote of present, or a vote against shall be considered less than a unanimous vote.

(c) The procedure for placing items on the Consent Calendar and Old Business are as follows:

1. Prior to a meeting of the entire Council, a Council mMember may remove an item from the ~~e~~Consent ~~e~~Calendar by informing both the President and the Clerk in writing prior to the Clerk's preparation of the Final Agenda, as required by Rule 6.06. If a Council Member wishes to rescind the removal request, the Council Member must inform both the President and the Clerk in writing prior to the Clerk's preparation of the Final Agenda, as required by Rule 6.06. The President shall remove an item from the consent calendar during the Council meeting, at the oral request of any Council member. The item shall then be handled in the same manner as any item not on the Consent Calendar.

2. The President shall remove an item from the eConsent eCalendar during the Council meeting; at the oral request of any Council ~~m~~Member. The item shall then be handled in the same manner as any item not on the Consent Calendar.

3. If an item before a committee receives a unanimous vote and was not amended but is requested by a Committee Member to be considered under Old Business and the request is granted by the Committee's Presiding Officer, the item will be placed under Old Business on the Council meeting agenda. The requesting Committee Member can withdraw the request for an item to be considered under Old Business if the Committee Member informs both the President and the Clerk in writing, with the Committee Chair's approval, before the Clerk has prepared the Final Agenda, as required by Rule 6.06.

5 d.) The Consent Calendar will be published as such on the Tentative Agenda. Items which have been properly placed on the Tentative Agenda but ~~which~~ receive committee action after publication of the Tentative Agenda, may be added to the Consent Calendar from eOld bBusiness by motion of the ~~e~~Committee ~~e~~Chairperson during any regular meeting of the Council, provided that there is no objection from any ~~m~~Member of the Council; ~~and~~

6 e.) At a regular or special Council meeting, the chairperson presiding officer of a committee may request that an item which had come from committee be moved from eOld bBusiness to the ~~e~~Consent ~~e~~Calendar if there is no objection.

Policy Consideration: This statement in red text above is not actually true since items that do not come from committee with unanimous votes should not be able to be moved from Consent Calendar to Old Business. Therefore, the following amendment is being suggested to replace this subsection:

OPTION:

e.) At a regular or special Council meeting, the ~~chairperson~~ presiding officer of a committee may request that an item which had come from committee without any votes against, without any abstentions, and/or did not have any amendments made be moved from Old Business to the Consent Calendar if there is no objection.

~~(d~~ f.) The Consent Calendar shall ~~be the first item of business under~~ precede Old Business on the Council meeting agenda, and in the absence of an objection from any Council ~~m~~Member, shall be approved as follows:

1.) The President shall declare that a motion to adopt the items on the Consent Calendar is in order;

2.) After said motion is duly made, the President shall ask the Clerk ~~of the Council~~ to give second reading to the titles of the items on the Consent Calendar; ~~and The reading of the title of an ordinance or resolution shall constitute the reading of a summary thereof;~~*[moved to Rule 6.07]*

3.) After said motion is duly made and seconded, a roll call vote on the items on the Consent Calendar shall be taken; ~~and The record minutes will shall~~ reflect that which Council ~~m~~Members voted “aye” or “nay” “yes”, “no”, “present”, or “abstained”. ~~on each item as if they had voted on each item on the Consent Calendar.~~ Council ~~m~~Members may explain their vote on one or more items on the Consent Calendar;

4 g.) All items on the Consent Calendar will be identified by committee;

(See KRS § 61.835)

~~7.12~~

~~An ordinance may be introduced and enacted if deemed an emergency by an affirmative vote of eighteen (18) members of the Council. This action shall suspend the requirements of Rule 7.01 concerning a second reading. The ordinance shall describe the nature of the emergency in the body of the ordinance.~~*[moved to newly-numbered Rule 7.01(a)]*

~~7.13~~

~~A Council member who believes a conflict of interest exists as defined in Rule 5.08 of these Rules, which prevents the Council member from casting a vote for or against any ordinance, resolution or any other matter before the Council or a committee, shall not participate in the debate on the matter. The Council member shall announce his/her intention to abstain before the roll call and shall answer "Abstain" when called to vote. Any Council member who is present at a meeting and abstains on a matter shall be treated as not having cast a vote on such matter. Any Council member who is present, but does not vote or abstains on a particular matter, will be treated as having cast a vote neither for nor against such matter.~~*[incorporated into Rules 5.06(e) and 5.08]*

7.0614 Enacted Legislation Presumed Compliant

~~It shall be conclusively presumed that a~~Any ordinance, resolution, or other measure passed or approved by the Council is presumed to be in compliance with all applicable provisions of these Rules with respect to the form of such measure and the procedure followed to pass or approve such measure.

7.07~~15~~ Council to Act Within Six (6) Months

~~No proposed ordinance, resolution or appointment shall be passed by the Council after The Council shall take final action on each ordinance or resolution by the last day of the sixth month that followsing the Council meeting at which it was introduced and given a first reading. or the last day of the sixth month following the month of a Council Meeting at which the ordinance or resolution was amended and then referred back to Ccommittee. If such an ordinance or resolution has not been acted upon by the Council within said timeframe, the item dies, unless:~~

a) The item is amended by the Council and then referred back to a committee and a new six-month (6) timeframe is established; or

b) A primary sponsor requests the Clerk to place the item under New Business for reintroduction at a Council meeting prior to the expiration of the six-month (6) timeframe and pursuant to the requirements of Rule 6.06. A new six-month (6) timeframe will be established upon the item being assigned to a committee.

7.08 Degrees of Sponsorship; Legislation Terminated Without Sponsorship; and Amendment by Substitution Sponsorship

(a) ~~A eCouncil mMembers listed as a primary sponsors of an ordinance or resolution may withdraw their sponsorship of that ordinance or resolution at any time until passed by vote of the Council. If the withdrawal of sponsorship by a primary sponsors leaves an ordinance or resolution without a primary sponsor, the ordinance or resolution “dies” and shall not be considered further. A “pPrimary sponsor(s)” is/are a mMember(s) of the Council sponsoring an ordinance or resolution at the time of its filing with the Clerk of the Council as provided in Rule 6.043. A “cCosponsor(s)” is/are a mMember(s) of the Council who are added after the filing of an ordinance or resolution.~~

(b) ~~If a resolution or ordinance is amended by substitution during a Council meeting, it must adhere to Sections 6.04 6.07 and 6.08 and must be germane to the original ordinance or resolution. In that event, the sponsor(s), at their option, may withdraw their sponsorship, at which time the Council mMember(s) that proffers the amendment by substitution, providing Sections 6.04, 6.07 and 6.08 are satisfied, shall become the new primary sponsor(s) of the amended version of the resolution or ordinance.~~

7.09~~16~~ Motion to Recommit

A mMember may request that an item on the agenda be referred back to committee for additional consideration. The President shall so order the matter be returned to committee unless there is an objection to the referral. If there is an objection by a mMember to referring a matter back to committee, a majority vote of the ~~members~~ Council is necessary to refer the matter back to committee.

7.10~~7~~ Legislation Presented to Mayor

Every ordinance or resolution passed by the Council shall immediately be presented to the Mayor for his/her consideration. signature. ~~The Mayor may~~

(a) The Mayor may Approve/ or Vveto ordinances and resolutions, including any line item(s) or items of an appropriation measure;

(b) 1. Those ordinances, resolutions, or line items of an appropriation measure that are

~~item(s)~~ approved; shall be signed by the Mayor and shall then be in full force;

~~(e) Those item(s) vetoed, shall be void unless reconsidered in the same manner required for passage of ordinances overriding the Mayor's veto;~~*[combined with subsection (2) below]*

~~(d) 2. On any item vetoed by the Mayor~~ Those ordinances, resolutions, or line items of an appropriation measure the Mayor vetoes he/she shall be returned the measure to the Council, with stating his/her objections of which, shall be entered in full into the Council's journal minutes, and ~~Those item(s) vetoed, shall be void unless reconsidered and repassed in the same manner required for passage of ordinances overriding to override the Mayor's veto. The Council may reconsider the ordinance, resolution, or line item of an appropriation measure at its next regularly scheduled meeting or second regularly scheduled meeting thereafter. Upon the Council's~~ If, after such reconsideration, eighteen (18) members two-thirds (2/3) of the Council agree to its passage, the ordinance, resolution, or line item of an appropriations measure shall be in force. may vote to override the Mayor's veto and the measure shall therefore be in full force.*[moved from deleted subsection (c) above]*

~~d~~ b) If the Mayor does not sign the ordinance or resolution presented to him/her within the time prescribed in KRS 83.500(4), and does not return it on or before the day on which the Council holds its regular meeting next after the meeting at which the ordinance or resolution was passed, and three (3) days have intervened between the presentation to the Mayor and the meeting, the ordinance or resolution shall be in force as if he had signed it.*[moved from old Rule 7.18 and changed to match the statute's language]*

(See also KRS §§ 67C.105(5)(i) and 83.500)

7.18

~~An ordinance or resolution shall be considered in full force if~~

~~(a) The Mayor does not sign the measure within the time prescribed in KRS Section 83.500 as presented by the Council, or;~~

~~(b) The Mayor does not return the measure for reconsideration by the Council by their next regularly scheduled meeting.~~*[This language has been amended to match KRS 83.500 and moved to newly-numbered Rule 7.10(b).]*

7.119 Council Proclamations

The Council may introduce a proclamation without the Mayor's consideration.

SECTION 8. ETHICS, ORDER, & AND DECORUM

8.01 Code of Ethics Applies; and Standard of Conduct for Council Members and Employees

The Council shall adopt the “Code of Ethics” as established by the Louisville/Jefferson County Metro Government. Members of the Council and employees will conduct themselves in the performance of their official duties at all times in a manner which manifests the highest moral and ethical standards.*[moved from Rule 12.01]*

(See KRS § 65.003)

8.02 Council Members to Maintain Proper Decorum

All ~~m~~Members shall maintain proper decorum during meetings of the Council and committees. The President shall recognize a member, who desires to speak in debate or on a subject open to debate, in order to obtain the floor. A member shall speak only on matters germane to the business or questions under debate for such period of time as the President may designate. When two or more members seek recognition at the same time, the President shall designate who shall have the right to speak. ~~The Council may, by a vote of eighteen (18) of its members, excluding the member being disciplined, expel a member from a meeting for disorderly conduct during such meeting or may impose such other discipline or penalty as is deemed necessary.~~*[first sentence moved from newly-numbered Rule 8.03, next few sentences are duplicated in 5.04 and fit better there, and last sentence moved to newly-numbered Rule 8.03]*

8.03~~1~~ Discipline of Council Members

~~All members shall maintain proper decorum during meetings of the Council.~~ If any ~~m~~Member, while speaking or otherwise, transgresses any rule of the Council or fails to maintain proper decorum, the President presiding officer shall call such ~~m~~Member to order. After hearing a short explanation from the ~~m~~Member called to order, or upon withdrawal by the ~~m~~Member of the objectionable language, the President presiding officer may permit the ~~m~~Member to proceed, or may compel silence upon the ~~m~~Member until the matter is disposed of. The ruling of the President presiding officer shall be subject to an appeal to the Council pursuant to Rule 5.1~~3~~4. The Council may, by a vote of ~~eighteen (18)~~ two-thirds (2/3) of its members, excluding the ~~m~~Member being disciplined, expel a ~~m~~Member from a meeting for disorderly conduct during such meeting or may impose such other discipline or penalty as is deemed necessary.*[first sentence moved to Rule 8.02 and last sentence moved from Rule 8.02]*

8.04~~3~~ Copies of Items to be Provided

~~No member shall introduce any item or document, or any part of an item or document, Any item or document introduced by a Member shall be provided~~ in any proceeding before a ~~C~~committee of the Council. ~~without making copies thereof, and t~~The item or document shall bear the identity of the originator. This ~~Section 8.03~~ Rule shall not apply to amendments to any pending item of legislation.

~~8.04.~~

~~No member shall leave the Chamber without special leave being granted by the President.~~

8.05 Admittance to Chamber Floor

No person, except Council ~~m~~Members, the Council’s staff, and Metro Government officers, ~~or~~

~~members of the press~~ shall be admitted upon the floor of the Chamber unless permitted at the discretion of the presiding officer. ~~by a vote of the Council.~~ It shall be the duty of the ~~Sergeant-at-Arms~~ presiding officer to enforce this ~~Rule~~ with such aid as may be necessary to be detailed by the Chief of Police or any officers and assistants.

8.06 Attendees to Maintain Proper Decorum; and Removal of Attendee

All persons shall maintain proper decorum during meetings of the Council and committees. If any person, while speaking or otherwise, transgresses any rule of the Council or fails to maintain proper decorum, the ~~President~~ presiding officer shall call such person to order. Loud, noisy, profane, disruptive or boisterous behavior on the part of visitors or onlookers at ~~meetings of the Council or at Council~~ committee meetings or hearings shall not be tolerated, and ~~the President of the Council or~~ the presiding officer ~~of any committee meeting or hearing~~ shall have the discretion to order the Chief of Police or any officers, and assistants ~~and Sergeants-at-Arms~~ to remove from the Chambers or meeting room any person or persons engaged in such activity.

SECTION 9. STAFF

9.01 Clerk of the Council

As further described in Rule 1.10~~1~~₂, the Clerk shall perform statutory duties to preserve the records of the Council, ~~Ordinances, and Minutes.~~ The Clerk is responsible to the ~~full~~ entire Council. The Clerk shall be designated as the official custodian of all records for the Council.

(See KRS § 67.120)

~~9.02~~ —

~~Personal services contracts shall be negotiated by the President and approved by a majority of the Council. A vote by the majority of the Council shall be required to cancel a personal service contract.~~*[moved to Rule 6.11]*

9.0~~2~~₃ Management of Administrative Personnel

The President ~~of the Council,~~ or upon written instructions of the President, the Clerk or other designee of the President, shall be the “appointing authority” of the Council for purposes of signing time sheets, personnel records, budget documents, requisitions, and the like. ~~The President with the consent of a majority of the mMembers of the Committee on Committees will submit an annual Council Budget to the Office of the Mayor.~~ The President, with the consent of a majority of the remaining ~~m~~Members of Committee on Committees, shall decide the number of positions of the Council’s common administrative staff, hire and dismiss ~~common~~ administrative staff, and fix the salaries for such positions. For purposes of this Rule, employees referred to in Rule 1.10~~1~~₂ and employees directly serving Caucuses as referred to in Section Rule 11~~3~~₂ shall not be considered common administrative staff. ~~The respective Caucuses, as determined under Rule 113.02, shall determine the policies and procedures for hiring, firing, compensating, and disciplining employees who serve such Caucuses.~~*[first deleted sentence moved to new subsection 2.01(k), and last deleted sentence moved to newly-numbered Rule 9.03]*

9.03 Management of Caucus Staff

The respective Caucuses, as determined under Rule 11~~3~~₂, shall determine the policies and procedures for hiring, firing, compensating, and disciplining employees who serve such Caucuses.*[moved from newly-numbered Rule 9.02]*

~~9.04~~ —

~~Employees of the Council are employees of the Metro Government and are therefore subject to the rules and regulations adopted pursuant to the Metro Government's Classification and Compensation Ordinance.~~*[moved to newly-numbered Rule 9.04 and combined with old Rule 9.05]*

9.0~~4~~₅ Adoption of Policies and Procedures

Employees of the Council are employees of the Metro Government. The Council shall adopt a Policies and Procedures Manual defining the procedures for hiring, firing, compensating, and disciplining its employees, and otherwise governing the internal operations and business operations of the Council.*[moved from old Rule 9.04]*

SECTION 10. VACANCIES

10.01 Resignation of a Council Member

If a ~~m~~Member seeks to resign the office of Council ~~m~~Member, said ~~m~~Member shall tender a written resignation to the President ~~of the Council~~ with a copy to the Clerk. If the President ~~of the Council~~ seeks to resign the office of the President of the Council and/or the office of Council ~~m~~Member, the President shall tender a written resignation to the Clerk. Any such resignation shall be effective at the next regular or special meeting of the Council, or at a later date if requested by the resigning ~~m~~Member, and the office shall be deemed vacant as of such date. The vacancy shall be filled pursuant to KRS ~~§ 67C.103.(12) which states that ...~~ "in the case of a vacancy on the consolidated local government council by reason of death, resignation, or removal, the council by majority vote of the membership of the council shall elect a qualified resident of the council district not later than thirty (30) days after the date the vacancy occurs. Should the council fail to elect, by majority vote of the membership of the council, a qualified person to fill the vacancy within thirty (30) days, the mayor of the consolidated local government shall fill the vacancy by appointment of a qualified person for the unexpired term" and as referenced in KRS 67C.103 (5) and (6) which states:-

~~(5) The members of a consolidated local government council shall be nominated and elected from the district in which they reside in partisan elections. After the initial terms of office of the first elected council members, council members shall be elected in the same election years as other local government officials as regulated by the regular election laws of the Commonwealth and as provided in subsection (4) of this section.~~

~~(6) No person shall be eligible to serve as a member of a consolidated local government council unless he or she is at least twenty one (21) years old, a qualified voter, and a resident within the territory of the consolidated local government and the district that he or she seeks to represent for at least one (1) year immediately prior to the person's election. A council member shall continue to reside within the district from which he or she was elected throughout the term of office.~~

10.02 Death of a Council Member

If a ~~m~~Member dies while holding the office of Council ~~m~~Member, the office shall be deemed vacant as of the day following the date of death.

10.03 Certain Conditions Required to Remove a Council Member and Procedure to Remove

No person may be removed from the office of Council ~~m~~Member or the office of President ~~of the Council~~ during the term to which he/~~or~~ she shall have been elected except upon a showing of ~~malfeasance, misfeasance, or unfitness for office~~ misconduct, incapacity, or willful neglect in the performance of the official duties pursuant to KRS § 67C.143 or that the person has become unqualified to serve as Council ~~m~~Member pursuant to ~~Kentucky Revised Statutes~~ KRS §§ 67C.103(6) by failing to reside in the Council District to which he/she was elected. A showing necessary for removal from office shall be made by:

(a) Five (5) Council ~~m~~Members issue written charges under oath delivered to the Clerk that the President of the Council or the Council ~~m~~Member (as the case may be) has committed acts or engaged on a course of conduct which constitutes ~~malfeasance, or misfeasance, or which renders the person charged unfit for office~~ misconduct, incapacity, or willful neglect in the performance of the official duties or is unqualified pursuant to Kentucky Revised Statutes; and;

(b) The remaining ~~m~~Members of the Council (other than the person charged) sitting as a court, after a hearing of which the person charged is given sufficient notice and an opportunity to be heard, find by a vote of at least two-thirds (2/3)^{rds} of the court that the person charged has committed the acts or engaged in the course of conduct charged and by so doing has shown ~~malfeasance, misfeasance, or unfitness for office~~ misconduct, incapacity, or willful neglect in the performance of the official duties or that the person charged has become unqualified to serve pursuant to Kentucky Revised Statutes.

10.04 Appeal Rights of Removed Council Member

Any person so removed from the ~~O~~office of Council ~~m~~Member and/or the office of President of the Council may appeal his or her removal from office to the appropriate Ccircuit Ccourt with jurisdiction to hear the appeal.

(See KRS § 67C.143(4))

10.05 Status of President's Office During Appeal

~~During the pendency of any such appeal by a Council member, the Council member shall not be permitted to be seated on the Council or in any of its committee meetings but the office shall not be deemed vacant until the Council member has exhausted his or her appeal rights. However, During the pendency of an appeal in the case of an appeal from of the removal of a Council Member who was of the President, of the Council the Council shall elect a permanent President Pro-Tem who during the pendency of the appeal shall perform the duties of the President of the Council.~~

Policy Consideration: The sentence in red text above is not in the KRS that governs removals, therefore, you should consider removing it.

10.06 Removal of the Powers of the President

In the event that twelve (12) Council ~~m~~Members execute a sworn statement declaring that the President of the Council ~~is physically or mentally disabled so that the President~~ is unable to carry out the duties of the President, and deliver said statement to the Clerk with a copy to the President, then at the next regular or special meeting of the Council, held not less than three (3) days after the delivery of said notice to the President, the Council may by affirmative a vote of twenty (20) of its ~~m~~Members declare the President unable to carry on the duties of the President by reasons identified in the sworn statement. ~~of physical or mental disability.~~ Provided, that before such vote, if requested by the President ~~of the Council~~, a hearing shall be conducted as described in Rule 10.04, and in such case, the issue of the President's ~~disability~~ ability to carry out the duties of the Presidency shall be decided by the Council ~~m~~Members (other than the President and the twelve (12) Council ~~m~~Members who have issued the charged ~~that disability~~) ~~sitting as a court~~ and a vote of two-thirds (2/3) of the ~~said court~~ Members shall be necessary to establish the disability of remove the ~~p~~President.

Policy Consideration: The Council should consider changing this rule to eliminate the use of a "court." Because the position of president is not an entitlement, it is not the same as removing a Council Member which is governed by statute. If the Council were to seek the removal of a president as stated in the current rule, which includes creating a "court," each party—(1) president, (2) charging members, and (3) council court—would need an attorney and the removal would have to be run like a trial, just as removing a Council Member requires per statute. But this can be changed, as suggested with the amendments above, because removal of a president is not governed by statute. This rule is created by

the Council. The amendments below would allow the Council, without hiring attorneys, to decide this at a regular or special meeting of the Council and the threshold to remove a president would still be high since it requires 12 charging members and a vote of 20 remove to remove him/her.

10.07 Election of New President Following Removal

Upon ~~a finding of disability~~ removal of the President, the Council shall elect a permanent President Pro-Tem who shall perform all of the duties of the President ~~of the Council~~ until the expiration of the President's term or until the Council by majority vote shall declare that the President again is able to perform the duties of office. Upon the death of the President, the Council shall elect a President from one (1) of its ~~m~~Members at one (1) of the next two (2) Council meetings after his/her ~~or her~~-reported death to fill out the unexpired term of such President.

10.08 Applicants to Fill Vacancy

Within seven (7) business days after a vacancy shall have occurred on the Council, qualified persons interested in being appointed ~~pursuant to Kentucky Revised Statutes~~ to the vacant seat pursuant to Kentucky Revised Statutes shall submit a resume to the Clerk of the Council. The date and time submitted will be determined by the date and time on the email, the date and time the person enters the Clerk's office, or the date on the postmark via United States Postal Service.

10.09 Applicant Review Process

The ~~m~~Members of the Council shall review any resumes so submitted and shall indicate in writing to the Clerk the name of any qualified applicant who that ~~m~~Member wishes to be personally interviewed at a special meeting of the Council or Committee of the Whole, which shall be duly called pursuant to these ~~r~~Rules and held not less than seven (7) business days nor more than thirty (30) calendar days after the occurrence of the vacancy.

10.10 Filling of Vacancy by Council

At either a regular or special meeting of the Council, held not less than seven (7) business days nor more than thirty (30) calendar days after the occurrence of the vacancy, the Council shall fill the vacancy from among the qualified ~~persons interviewed applicants,~~ or as provided by state statute.

(See KRS § 67C.103(12))

10.11 Vote of Majority of Council Members for Vacancy

The person receiving ~~an affirmative~~ the vote of the majority of the remaining ~~m~~Members of the Council shall be ~~elected~~ appointed to fill the vacancy pursuant to this ~~s~~Section. If more than one vacancy exists, each vacancy shall be filled by the Council one at a time in the order in which they became vacant, and the newly appointed ~~m~~Member shall immediately be seated pursuant to these ~~r~~Rules so that he/~~or~~-she may vote on the filling of the remaining vacancies.

(See KRS § 67C.103(12))

10.12 President to Manage Vacant Office

During the pendency of a vacancy in the office of Council Member, the affairs of the vacant office will be managed by the President, with the consent of the Committees on Committees. These affairs include, but are not limited to, hiring and firing of staff and managing the office's cost center.

SECTION 113. CAUCUSES, MAJORITY AND ~~&~~ MINORITY CAUCUS LEADERS

113.01 Council Members Attendance at Caucus Meetings; and Caucus Discussions

Members of the Council may attend caucuses (gatherings of members of a political party or coalition held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action). No caucus shall be deemed an official part of the Council or any committee of the eCouncil. A caucus may review public information and discuss the political ramifications of expected issues, anticipated official action, and public business. Such caucuses may not take any official action and shall not vote on any matter pending before the Council or ~~one (1)~~ of its committees.

113.02 Chair and Vice-Chair to Represent Caucus

The mMembers of the Council belonging to a political party ~~or~~ of the same political affiliation shall hold separate caucuses and shall elect a Chair and Vice-Chair of such respective caucuses. The two (2) largest political caucuses within the Council may hire staff persons to meet the staffing needs of such caucuses. The Chair and Vice Chair of the party, which has the allegiance of the greatest number of mMembers of the Council, shall be called the “majority leaders.” The Chairs and Vice Chair of the other parties shall be called the “minority leaders.” The election of a Chair and Vice-Chair of a caucus shall be official upon filing with the Clerk a certificate of election signed by the majority of the mMembers of such caucus.

(See KRS 67C.131(2))

SECTION 11. AMENDMENTS TO THESE RULES

11.01—

~~These Rules may be amended by an affirmative vote of a majority of the members of the Council at their Organizational Meeting. Thereafter, the Rules of the Council may be amended by an affirmative vote of a majority of the members of the Council provided that notice of the vote is given at a previous meeting and appears on the agenda.~~*[moved from Rule 1.01(d) and revised]*

11.02—

~~These Rules shall follow applicable state statutes provided for in KRS 67C.101 [Section 2 (a), (c); Sections 4 and 5] et al.~~*[moved to Rule 1.01(a)]*

SECTION 12. ETHICS

12.01

~~The Council shall adopt the "Code of Ethics" as established by the Louisville/Jefferson County Metro Government. Members of the Council and employees will conduct themselves in the performance of their official duties at all times in a manner which manifests the highest moral and ethical standards.~~*[moved to newly-numbered Rule 8.01]*

SECTION 13. CAUCUSES, MAJORITY & MINORITY CAUCUS LEADERS

[This entire section was moved to become newly-numbered Section 11.]

13.01

~~Members of the Council may attend caucuses (gatherings of members of a political party or coalition held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action). No caucus shall be deemed an official part of the Council or any committee of the council. A caucus may review public information and discuss the political ramifications of expected issues, anticipated official action and public business. Such caucuses may not take any official action and shall not vote on any matter pending before the Council or one (1) of its committees.~~

13.02

~~The members of the Council belonging to a political party or the same political affiliation shall hold separate caucuses and shall elect a Chair and Vice Chair of such respective caucuses. The Chair of the party, which has the allegiance of the greatest number of members of the Council, shall be called the "majority leader." The Chairs of the other parties shall be called "minority leaders." The election of a Chair and Vice Chair of a caucus shall be official upon filing with the Clerk a certificate of election signed by the majority members of such caucus.~~

SECTION 14. PRECEDENCE OVER POLICIES AND PROCEDURES

14.01

~~In the event any section or subsection of these Rules is inconsistent or conflicts with the Louisville Metro Council Policies and Procedures adopted on March 13, 2003 pursuant to Resolution No. 21, Series 2003, including any subsequent amendments made thereto, these Rules shall govern over such Policies and Procedures.~~*[moved to newly-numbered Rule 1.01(b)]*