

**ORDINANCE NO. \_\_\_\_\_, SERIES 2021**

**AN ORDINANCE AMENDING CHAPTER 32 OF THE LOUISVILLE METRO CODE OF ORDINANCES REVISING THE GOVERNANCE AND ADMINISTRATION OF THE COMMUNITY ACTION AGENCY.**

**SPONSORED BY: COUNCIL MEMBER SHANKLIN**

**WHEREAS**, by action of the Louisville Metro Community Action Board (“Board”), the Community Action Agency’s governing Bylaws were revised in December 2019; and

**WHEREAS**, the revisions and updates made by the Board were in conformity with the Community Services Block Grant Act and the Kentucky Revised Statutes (KRS § 273.410 et seq.); and

**WHEREAS**, the Board revised its Bylaws to further the governance, administration, and interests of the Community Action Agency; and

**WHEREAS**, Chapter 32 of the Louisville Metro Code of Ordinances, as it relates to the Community Action Agency, requires updating to remain in conformity with federal and state law, and the governing laws of the organization;

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

**SECTION I:** LMCO 32.885 is hereby amended to as follows:

**~~§ 32.885 APPLICATION FOR RECOGNITION.~~**

~~The appropriate officers of the Metro Government are authorized and directed to execute an application for recognition of a community action agency with the community services administration of the United States Government for the purpose of making a change in designation of the existing community action agency pursuant to the terms of a new city County interlocal cooperation agreement.~~

**SECTION II:** LMCO 32.886 is hereby amended to as follows:

**~~§ 32.886 PURPOSE.~~**

~~The general purpose of the agency is to serve as a corporation under KRS 273.410(2), in an exclusively charitable and educational capacity, to foster and promote planning services and developmental efforts for the mobilization and utilization of resources, both public and private, in Jefferson County, for a coordinated remedial attack on conditions of poverty affecting the inhabitants of Jefferson County; to stimulate~~

~~the provision of services and other activities toward developing employment and economic opportunities, improving human performance, individual and group motivation, productivity, and bettering conditions under which people live, learn, and work; to solicit, contract for, receive, administer, and disburse any funds, grants, bequests, devises, and other resources for the execution and implementation of specific or general problems in carrying out its purposes, and particularly for participation under the Community services act of 1974, as amended; and to do any and all lawful acts and to engage in any and all lawful activities, either alone or in conjunction or cooperation with other persons, agencies, governmental authorities, institutions, and organizations as may be necessary or appropriate in furthering one or more of such purposes.~~

**SECTION III:** LMCO 32.887 is hereby amended to as follows:

**§ 32.887 ESTABLISHMENT DESIGNATION AND PURPOSE.**

(A) ~~There is hereby continued by action of Metro Government, established and designated pursuant to KRS 273.435, the Louisville and Jefferson County community action agency as a joint corporate agency of the Metro Government to plan and coordinate programs designed to combat problems of poverty and seek the elimination of conditions of poverty as they affect the inhabitants of Jefferson County.~~

(B) The general purpose of the agency is to serve as a corporation under KRS 273.410(2), in an exclusively charitable and educational capacity, to foster and promote planning services and developmental efforts for the mobilization and utilization of resources, both public and private, in Jefferson County, for a coordinated remedial attack on conditions of poverty affecting the inhabitants of Jefferson County; to stimulate the provision of services and other activities toward developing employment and economic opportunities, improving human performance, individual and group motivation, productivity, and bettering conditions under which people live, learn, and work; to solicit, contract for, receive, administer, and disburse any funds, grants, bequests, devises, and other resources for the execution and implementation of specific or general problems in carrying out its purposes, and particularly for grants under Title 42 U.S.C. Chapter 106; and to do any and all lawful acts and to engage in any and all lawful activities, either alone or in conjunction or cooperation with other persons, agencies, governmental authorities, institutions, and organizations as may be necessary or appropriate in furthering one or more of such purposes.

~~(F) To serve as the principal public agency of the Metro Government for the solicitation of and contracting for federal funds available under the eCommunity sServices Block Grant act of 1974, as amended, and act as local area administrating agent for the utilization and application of federal funds and other governmental and voluntary funds made available, either through subcontracting with appropriate operating organizations or by establishing necessary administrative suborganizations for this purpose.~~

**SECTION IV:** LMCO 32.889 is hereby amended to as follows:

## § 32.889 EXECUTIVE DIRECTOR.

There shall be a staff Executive Director of the agency called the Executive Director of the community action agency, who shall be appointed by ~~the administering board~~ the Mayor (or the Mayor's designee) with the approval of the administering board, which shall be conveyed by a formal board action concurring in the selection. ~~The Director shall have only such powers as are delegated to the Director by the administering board. The Director shall have such staff as is approved by the administering board. The Director and staff shall be primarily responsible for rendering technical assistance to the neighborhood policy boards and councils, hereinafter referred to, in fiscal, organizational, development (in-service training), and general program areas.~~

**SECTION V:** LMCO 32.890 is hereby amended to as follows:

## § 32.890 ADMINISTERING BOARD.

(A) The agency shall administer its programs through an administering board. The administering Board shall have such powers and duties as ~~possessed by the Board of directors of any private, nonprofit corporation incorporated in the commonwealth of Kentucky, including those specified for administering boards of community action agencies~~ by the rules and regulations of the community services administration of the United States Government, the Kentucky State Cabinet for Health and Family Services, Department of Health and Human Services and by KRS 273.439, and such other powers delegated to it by the Mayor, including but not limited to the following:

- ~~(1) To appoint the executive Director of the community action agency;~~
- ~~(2) To determine major personnel, organization, fiscal and program policies;~~
- ~~(3) To determine overall program plans and priorities for the community action agency, including provisions for evaluating progress against performance;~~
- ~~(4) To make final approval of all program proposals and budgets;~~
- ~~(5) To enforce compliance with all conditions of all grants contracts;~~
- ~~(6) To oversee the extent and the quality of the participation of the poor in the programs of the community action agency;~~
- ~~(7) To determine rules and procedures for the administering board; and~~
- ~~(8) To select the officers and the executive Committee, if any, of the administering board.~~

(B) The administering Board shall be broadly representative of the community, ~~and shall be composed of not less than fifteen (15) 27 members, and shall be constituted in accordance with the requirements of 42 USCA 9910 and KRS 273.437.~~ Public officer members as defined by those statutes shall be appointed by the Mayor in compliance with the requirements of those statutes. For the other types of members, the administering Board may institute through its Bylaws procedures for selection of

Board members, provided such procedures comply with the above referenced statutes. One-third of the members shall be public officials including the Mayor, or his or her representatives, who should be public officials with responsibilities for programs that are directly involved in antipoverty efforts such as school, welfare, health, housing, and urban renewal and employment service officials; one-third of the members shall be representatives from the impoverished areas of Jefferson County; and one-third of the members shall be officials or members of business, industry, labor, religious, private welfare, private education, significant minority groups, and other major private groups and interests located and operating in the community.

~~(C)~~—Representatives from identified impoverished areas of Jefferson County shall be truly representative of those low-income neighborhoods and must reside in the neighborhood represented.

~~(D)~~—The initial appointments of members to the administering Board shall be made by the Mayor, and members other than public officials or their representatives, shall be selected from names submitted by the impoverished areas and by organizations, agencies, or groups selected by the designating officials to be represented on the Board. Thereafter the filling of vacancies occurring in the administering Board by reason of expiration of a term of a member of the administering Board or for any other cause shall be made by the Mayor of those persons selected by the administering Board by a majority vote from names submitted by the various organizations, agencies, or groups selected to be represented on the Board. However, vacancies occurring among the representatives of the identified impoverished areas shall be filled by a majority vote of the members of the administering Board from a list of names submitted by the appropriate local neighborhood agency. However, a vacancy in the group of public officials shall always be filled by the appointment of the Mayor.

~~(E)~~ (C) Members of the administering Board, other than public officials, shall not serve for more than three consecutive three year terms, years, or a total of six years, except that in emergency situations an administering Board member who has served nine consecutive years may be reappointed by the Board for no longer than six (6) months to serve until a replacement Board member is named.

~~(F)~~ (D) The administering Board shall elect a chairman from among its members who shall serve for a period of one year or until his or her successor is elected and qualified.

~~(G)~~ (E) A quorum of the administering Board shall consist of a simple majority 50 percent of the current total membership of the Board. The administering Board may adopt such rules of procedure and bylaws as it deems necessary in order to accomplish the purposes set forth hereinabove.

**SECTION VI:** LMCO 32.891 is hereby amended to as follows:

**§ 32.891 FUNDS.**

The Metro Council and Mayor may appropriate a sum during the fiscal year of each to be expended by the agency to carry out this agreement ordinance. The agency shall submit its proposed budget for approval by the Metro Council for the coming fiscal years

in accordance with rules and regulations prescribed for or established by ~~each~~ Metro Government for budgetary matters.

**SECTION VII:** LMCO 32.893 is hereby amended to as follows:

**~~§ 32.893~~ REPORTS REQUIRED.**

~~The agency shall file with the Mayor a detailed report of all its transactions, including a statement of all revenues and expenses as the Mayor may request from time to time, but such report shall be filed at least annually by June 1 of each year.~~

**SECTION VIII:** LMCO 32.894 is hereby amended to as follows:

**~~§ 32.894~~ FISCAL AGENT.**

The Metro Government shall act as fiscal agent for the agency and the agency shall abide by all established rules and procedures of the Metro Government, as to the receipt, expenditure, and accounting for all funds and property of the agency, subject, however, to any and all requirements established by the community services administration of the United States Government.

**SECTION IX:** LMCO 32.895 is hereby amended to as follows:

**~~§ 32.895~~ AUTHORITY TO USE SERVICES OF VARIOUS AGENCIES.**

The agency is authorized and directed to use the services of the Purchasing Department, the facilities of the general services administration of the United States Government, or other means authorized by law in securing the necessary supplies and equipment to accomplish the purposes for which the agency is formed. However, if the agency elects to use the facilities of the Purchasing Department or other means authorized by law, the agency shall be restricted to the general services administration prices.

**SECTION X:** LMCO 32.896 is hereby amended to as follows:

**~~§ 32.896~~ PROPERTY OF AGENCY.**

All property, real or personal, tangible or intangible, shall be acquired, held, and disposed of by the community action agency as agent for and in the name of the Metro Government.

**SECTION XI:** LMCO 32.897 is hereby amended to as follows:

**~~§ 32.897~~ TITLE TO PROPERTY.**

The Metro Government shall have an interest in all property of any kind whatsoever acquired by the agency. ~~At the termination of this agreement, the Metro Government shall divide the agency's property or the proceeds of any sales thereof in accordance with its interests established by this agreement.~~ Nothing in this agreement ordinance shall prevent the agency from leasing or borrowing property to further the agency's purposes, ~~of this agreement.~~

**SECTION XII:** LMCO 32.899 is hereby amended to as follows:

**~~§ 32.899 LENGTH OF AGREEMENT.~~**

~~This agreement shall continue from year to year, from July 1 through June 30, unless notice of termination is given by either party hereto, at least 60 days prior to June 30 of each year.~~

**SECTION XIII:** This Ordinance shall take effect upon its passage and approval.

\_\_\_\_\_  
Sonya Harward  
Metro Council Clerk

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David James  
President of the Metro Council

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Greg Fischer  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

BY: \_\_\_\_\_