



# Louisville Metro Government

## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Withdrawn  
**File created:** 9/2/2016      **In control:** Government Accountability, Ethics and Intergovernmental Affairs Committee  
**On agenda:** 2/14/2017      **Final action:** 2/14/2017  
**Title:** AN ORDINANCE RELATING TO POLICIES ON APPOINTMENTS TO BOARDS AND COMMISSIONS AND THE CREATION OF EXECUTIVE APPOINTMENTS BOARD.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
2/14/2017	1	Government Accountability, Ethics and Intergovernmental Affairs Committee	withdrawn	
1/31/2017	1	Government Accountability, Ethics and Intergovernmental Affairs Committee	held	
1/26/2017	1	Metro Council	assigned	
12/8/2016	1	Intergovernmental Affairs and Annexation Committee		
10/6/2016	1	Intergovernmental Affairs and Annexation Committee	tabled	Pass
9/8/2016	1	Metro Council	assigned	

**ORDINANCE NO. \_\_\_\_\_, SERIES 2017**

**AN ORDINANCE RELATING TO POLICIES ON APPOINTMENTS TO BOARDS AND COMMISSIONS AND THE CREATION OF EXECUTIVE APPOINTMENTS BOARD.**

### **SPONSORED BY:**

**WHEREAS**, Louisville Metro is committed to fostering equal opportunity and fair representation in all aspects of governance.

**WHEREAS**, Louisville Metro is authorized under KRS 67C.117(3) to “adopt ordinances and develop policies to achieve the mandate set forth” in that section, which requires policies of equal opportunity and fair representation in all aspects of governance.

**WHEREAS**, Louisville Metro is empowered under KRS 67C.139(2) to “enact an ordinance setting out the role of the legislative council, if any, in the appointment process for each individual agency, board, and commission created by statute.”

**WHEREAS**, Louisville Metro seeks to provide structure and clarity for appointment processes, to promote accountability and prevent extended vacancies or expired tenures in government entities.

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

**SECTION I:** LMCO Chapter 32.200 is hereby amended as follows:

**§ 32.200 \_\_\_\_\_ PERSONS TO SERVE ON ONLY ONE BOARD OR COMMISSION AND REPRESENT DIFFERENT GEOGRAPHICAL AREAS GENERAL POLICIES OF LOUISVILLE METRO PERTAINING TO APPOINTMENTS TO GOVERNMENTAL BODIES.**

That the Metro Council and the Mayor declare that it shall henceforth be the policy of the Louisville/Jefferson County Metro Government that, unless otherwise expressly provided by ordinance or statute:

1. a A person hereinafter appointed to serve on a board or commission, whose appointment is subject to the council approval, shall not at the same time serve on another board or commission. ~~unless such service is expressly authorized by ordinance or state statute.~~ In addition, it shall be the policy of the Louisville/Jefferson County Metro Government to strive to have
2. No person shall be appointed to serve more than two consecutive terms on the same board or commission.
3. Appointments are to reflect geographic diversity, where appropriate, so that representatives on all boards and commissions are proportionate to the many facets and areas of the Louisville Metro community to enable an equal voice in the policy and decision making processes of such boards and commissions.

4. In order to ensure equal opportunities and fair representation in all aspects of governance in Louisville Metro, appointments to each administrative body should reflect the diversity of the community. For the purposes of this section, "diversity" is defined broadly to include race, color, ethnicity, religion, sex, age and ability. Diversity also includes geographic representation, culture, gender and gender identity, sexual orientation and socio-economic status.

**SECTION II:** LMCO Chapter 32.202 is hereby amended as follows:

**§ 32.202\_\_\_\_\_ DOCUMENTATION PROCEDURES RELATED TO APPLICANTS FOR APPOINTMENTS TO LOUISVILLE METRO BOARDS AND COMMISSIONS REQUIRING METRO COUNCIL APPROVAL.**

1. Where the Mayor has power to make appointments to a board or commission, and the appointment is subject to council approval, such appointment shall be submitted to Metro Council within 30 days of establishment of a new position, vacancy in an existing position, or expiration of an incumbent's term in an existing position.
  - a. Vacant Positions - Unless otherwise provided by law, if the Mayor fails to make an appointment to fill a new or vacant position within the time frame, the Executive Appointments Board shall fill the vacancy subject to approval by Metro Council. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.
  - b. Expired Terms - Unless otherwise provided by law, if the Mayor fails to appoint a successor to an expired term within the time frame, the Mayor's inaction shall constitute the reappointment of the incumbent member for another term of office.
  - c. Where the expired term was the second consecutive term served by the incumbent officer, the position is considered vacant for the purposes of this provision.
  - d. At least ninety (90) days before a term expires, the Mayor is required to notify the member of a board or commission to advise that his or her term is about to expire.

2. The Mayor shall provide the Council with computerized access through Louisville Metro information technology services to the database containing all documentation and information submitted to the Mayor by all applicants for appointments to boards and commissions that require the approval of Metro Council. Metro Council shall not take action on any proposed appointment until and unless said access has been provided to the Council. The Council, Council staff, and Metro Council Clerk's Office shall keep applicant information and documentation confidential and allow inspection or dissemination of such information and documentation only to the extent required by Kentucky open records law. Metro Government shall post all board and commission vacancies on the Metro Government website and advertise board and commission vacancies on Metro TV or other public access media outlet. As custodian of the records for the Louisville Metro Council, the Metro Council Clerk's Office shall be responsible for compiling and disseminating information relating to boards and commissions.

**SECTION III:** LMCO Chapter 32.\_\_\_\_ is hereby established as follows:

**§ 32. Executive Appointments Board**

1. Establishment: There is hereby created the Louisville Metro Executive Appointments Board, hereinafter referred to as the "Board".
2. Purpose and Powers: The Board is established to assist the Mayor and Metro Council in the tracking and management of all Louisville Metro boards and commissions.
  - a. The Board will track the staffing of boards and/or commissions and provide timely reports to the Mayor and Metro Council. Reports will include information on vacancies, expiration of terms, and term limits.
  - b. The Board will appoint officers to boards or commissions, subject to approval by Metro Council, where the Mayor has failed to make appointments to vacant positions within

the timeframe allotted per § 32.XX.

- c. The Board may adopt bylaws and such other rules and regulations as may be necessary to its operations.

3. Membership:

- a. The Board shall be composed of 5 members. Each member shall be a resident of Jefferson County. Membership will be determined as follows:

i. Two (2) members shall be appointed by the Mayor, subject to approval by Metro Council;

ii. One (1) member shall be the Mayor's Director of Boards and Commissions, or another designee of the Mayor.

iii. Two (2) members shall be the Chair and Vice Chair of the Appointments Committee of Metro Council or appointed by Metro Council President, in the absence of an Appointments Committee.

- b. The Board shall elect a Chair from its members. The Chair shall be elected annually.

- c. The term of the two Board members appointed by the Mayor will be three years, except for initial appointment terms. Initial appointment terms shall be staggered with one member appointed to a two year term and the other member appointed to a three year term.

4. Meetings and Quorum:

- a. Meetings shall occur no less than quarterly, the time and place of which shall be fixed by the Board at its first meeting of each calendar year. Special meetings may be called in accordance with the bylaws established by the Board.

- b. A simple majority of the Board's actual membership shall constitute a quorum for the transaction of business. In the event that the Mayor fails to appoint members to the

Board within the timeframe established by § 32.XX, a quorum of actual members must act to fill those vacancies pursuant to § 32.XX before transacting any other business.

**SECTION IV:** This Ordinance shall take effect upon its passage and approval to be implemented with the appointed members of boards and commissions by November 1, 2016.

\_\_\_\_\_  
Stephen Ott Metro Council Clerk

H. \_\_\_\_\_ David  
Yates President of the Council

\_\_\_\_\_  
Greg Fischer Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

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

Chapter 32 Revision for Downard Green sjm 9-2-16