

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

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Dates Amended:

010603: Adopted by Metro Council / Action recorded in 01-06-03 Minutes
022405: Action recorded in 02-24-05 Minutes
072607: Action recorded in 07-26-07 Minutes
121108: Action recorded in 12-11-08 Minutes
021110: Resolution 36, Series 2010
111512: Action recorded in 11-15-12 Minutes
121114: Motion 001, Series 2014
012215: Resolution 003, Series 2015
121417: Resolution 142, Series 2017
091318: Resolution 134, Series 2018
030719: Resolution 020, Series 2019 / Complete review and amendment of Council Rules
082219: Resolution 083, Series 2019 (Sec. 303)
061319: Resolution 051, Series 2019
082219: Resolution 083, Series 2019
020620: Resolution 002, Series 2020
072320: Resolution 071, Series 2020
082020: Resolution 084, Series 2020

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”).

b) In the event any section or subsection of these Rules is inconsistent or conflicts with the Louisville Metro Council Policies and Procedures, these Rules shall govern over such Policies and Procedures.

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 a majority vote of the entire Council provided that notice of the vote and a copy of the proposed amendments are given at a previous meeting and appear on the agenda.

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

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. 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.

Following the election of its Members, the Council shall meet at 6:00 p.m. at such date and time not earlier than 12:01 a.m. on the first Monday in January nor later than seven (7) days after its Members have taken office. 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.

(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 Members:

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 Majority Constitutes Quorum; and Enforcement of Attendance

Pursuant to Kentucky Revised Statutes, a majority of the Members of the Council shall constitute a quorum, but a smaller number may convene from day to day. The Council may enforce the attendance of Members by rules or ordinances with appropriate fines.

(See KRS §§ 67C.103(9) and 83A.060)

1.05 Election of the President

The presiding officer of the Council shall be a president who shall be chosen annually by a majority vote of the entire Council from among its Members at the first meeting of the Council in January.

(See KRS § 67C.103(7))

1.06 President's Term and Filling of Presidential Vacancy

The Council Member elected as President of the Council at the organizational meeting in January shall serve until the first meeting of the Council in January of the next year at which the President shall be elected according to the same procedure set forth in Rule 1.05. However, if such President is no longer a Member of the Council on the first Monday in January following his/her election, then the Member of the Council who served in a capacity as President Pro-Tem in accordance with Rule 1.07 during the previous year 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 Members who satisfy the criteria in Rule 1.07, then a Council meeting shall be required on the first Monday in January to elect a new President for the upcoming year.

(See KRS § 67C.103(7))

1.07 Majority Caucus Leader to Serve as President Pro-Tem

The Majority Caucus Leader, as identified in Section 11 of these Rules, shall serve as the President Pro-Tem. The Minority Caucus Leader, which has the allegiance of the second largest number of Members of the Council following the Majority Caucus Leader, as determined in Rule 11.02, shall serve as President Pro-Tem when the Majority Caucus Leader serves as President in the absence of the President.

1.08 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 Mayor by a two-thirds (2/3) majority of the membership of the 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.

1.09 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))

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

The Council shall have a Clerk, and may have a Deputy 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 Council. The Clerk shall be the official custodian of all records for the Council. The Council shall appoint a Clerk who shall serve at the pleasure of the Council. The Clerk shall execute a bond to be approved by the Council. He/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 Deputy Clerk who shall qualify by taking the constitutional oath and who shall serve at the will of the Council. The salaries of the Deputy Clerk shall be fixed by the Council.

After the appointments are announced, the newly appointed Clerk shall immediately assume the duties of the office referenced above and take the same oath of office taken by the Members of the

Council. The person appointed as Clerk at the organizational meeting 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 entire Council and shall perform the statutory duties to maintain and preserve the records of the Council, ordinances, orders, 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 Seating Arrangement for Council

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

1.13 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.

1.14 Council Rules, Public Record, and Publication of Ordinances

The Council shall determine its own rules and order of business, and keep and provide a public record of its proceedings. The 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 provided for in Rule 1.05. The duties of the President shall include:

- a) Presiding as Chair at every regular and special meeting at the time specified in the call for such meeting;
- b) Opening meetings of the Council and announcing the business before the Council in order in which it is to be acted upon;
- c) Recognizing Members entitled to the floor, keeping debate within the rules of order and otherwise preserving order and decorum during meetings;
- d) Stating and putting to vote all questions before the Council, and announcing the results of the votes upon such questions;
- e) Deciding all points of order, subject to appeal, as set forth in Robert's Rules of Order;
- f) Receiving all messages and communications to the Council and announcing such to the Members;
- g) Generally guiding and directing the proceedings of the Council, subject to the control and will of the Council;
- h) Signing and authenticating all ordinances, resolutions, acts, proceedings, and orders of the Council;
- i) Appointing committees and Committee Chairs, except for the Committee on Committees. Except as otherwise agreed to by unanimous consent of the Committee on Committees, all other 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 Members on the Council. In that event, such Members, if they desire, shall sit on a minimum of three (3) committees. These Members shall submit annually to the President a list of the top four (4) committees on which they wish to serve. The President shall ensure that each Member is selected to serve on at least one (1) of the committees so submitted;
- j) Hiring and firing the Council's administrative office staff with the consent of a majority of the remaining Members of the Committee on Committees, and perform other responsibilities with respect to such staff as set forth in Rule 9.02. Administrative action taken by the President under this subsection and Rules 9.02 and 10.12 as to staffing levels and hiring and firing of administrative office staff may be reversed by majority vote of the Committee on Committees;
- k) Submitting an annual Council Budget to the Office of the Mayor with the consent of a majority of the Members of the Committee on Committees.
- l) Introducing any order or 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 and Absence of the President

A Member serving as President Pro-Tem as referenced in Rule 1.07 shall serve as 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 Chair during a meeting, but such substitute shall not extend beyond an adjournment. The President may participate in debate 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 create committees of the Council, excluding those referenced in Section 4A of these Rules. The President may create special or ad hoc committees at any time. The President appoints Members to committees per Rule 4.01.

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 4.03.

SECTION 3. COUNCIL MEETINGS

3.01 Monthly Meetings and Times of Meetings

The Council shall hold at least one (1) regular meeting per month, which includes the organizational meeting held in January. All meetings of the Council and committees shall be held pursuant to KRS §§ 61.805–61.850. The Council 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 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 Members have voted.

(See also KRS § 67C.103(8))

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 Members have voted.

(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) Special Recognitions and Proclamations;
- d) Addresses to the Council;
- e) Reading of the Council and committee minutes of the preceding meeting(s) or motion to approve or amend the minutes without reading;
- f) Communications to the Council;
- g) Special Legislation;
- h) Consent Calendar;
- i) Old Business;
- j) New Business;
- k) Announcements from any Council Member (unless otherwise provided for); and
- l) Adjournment.

The rules of order, not prescribed by statute, may be suspended at any time by consent of the majority of the Council 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 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 Chair of such committee. The committee thereupon may amend the original ordinance, proposition, petition, order, resolution, appointment, or other matter. 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 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

Business may be conducted only at an organizational, regular, or special meeting at which a quorum of Members is present.

(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 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 Council may call a special meeting by causing to be served written notice on the remainder of the 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)

3.08 Closed Sessions

The Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law. 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 matters permitted by state law and announced prior to convening the closed session. The Council may exclude any person or persons authorized by state law. No final action may be taken during a closed session.

(See KRS §§ 61.810 and 61.815)

3.09 Notice

Notice of all Council and committee meetings shall comply with the provisions as set forth in KRS §§ 61.805 to 61.850.

(See also KRS § 67C.103(8))

3.10 Addresses to Council

Members of the public wishing to speak before the Council may do so in accordance with 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, the President may allow a nonresident 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. The period to register begins at the conclusion of the prior regularly scheduled Council meeting and ends at 12:00 p.m. on 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 Clerk 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 and committee meetings 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 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;

g) Persons within the audience are allowed to have signs in the Council chambers that are no larger than 8 ½ x 11 inches. 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.

3.11 Special Recognitions and Proclamations

Council Members wishing to give special recognition to an individual or group or to present a proclamation before the Council may do so in accordance with the following set of rules:

a) Only four (4) special recognitions or proclamations per Council meeting will be allowed to be presented;

b) Requests to add special recognitions and proclamations to the Council meeting agenda

must be submitted to the Clerk in writing or by electronic means by 5:00 p.m. two (2) business days prior to the Council meeting;

c) Requests to add special recognitions or proclamations to the Council meeting agenda will be accepted in the order received by the Clerk, except that a Council Member who has not presented during the previous five (5) consecutive meetings shall take precedence over another Council Member who has presented during that same time period, and the Clerk shall inform a Council Member if he or she has been removed from the Council meeting agenda due to this circumstance; and

d) Each presentation shall be limited to a maximum of five (5) minutes.

SECTION 4. COUNCIL COMMITTEES, MEETINGS, AND DUTIES

4.01 Committee Appointments

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

a) The President shall appoint the Chair and may appoint a Vice Chair for each committee. The Chair and Vice Chair may be removed in the same manner. The term for each committee appointment shall be until the Council's organizational meeting each January or until a successor is duly appointed.

b) In the absence of both the Chair and Vice Chair of a committee, the Committee Members present shall elect a Chair Pro-Tem.

c) With regard to membership on each committee, except for the Chair and Vice Chair, the President shall follow the recommendations of Caucus Chairs, as set forth in Rule 11.02. If a party of the same political affiliation has three (3) or fewer Members on the Council, the procedure in Rule 2.01(i) shall be adhered to with respect to such Members.

d) Should a vacancy occur in any committee for whatever reason, appointment to the vacated position shall be for the unexpired term of the position created by said vacancy.

4.02 Timing of First Committee Meetings

Within thirty (30) days after the appointment of the committees' members, the Chair 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 Chair may direct upon proper notice to Members and the press as required by law.

4.03 Committee Membership and Voting Rights

a) A Chair 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 Members appointed to the committee, excluding the President.

c) 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) In the Zoning Committee, any Council Member, including the President, may cast a vote, 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.

e) In the Committee on Equity and Inclusion, the President may serve as a full voting member of the committee and may elect to serve as chair or vice chair of the committee.

4.04 Committee Attendance

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

4.05 Staff Assignments to the Committees

a) The Clerk's office shall deliver, by electronic means whenever possible, all papers and documents relating to matters referred to such committee pursuant to these Rules. The Clerk shall designate Clerk's office staff for each committee, who shall keep minutes of attendance and business transacted at each meeting. It shall be the responsibility of the Clerk's office to publish the minutes from each committee meeting.

b) A member of the Jefferson County Attorney's Office may also have a representative at all committee meetings.

4.06 Conduct of Committee Business

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

a) The Chair shall preside at meetings of the committee. If the Chair is absent, the Vice Chair shall assume the duties of the Chair.

b) The Chair shall direct the order of presentation of the arguments for and against matters for consideration by the committee, and shall permit questions to be asked by Members of the Council. Except as otherwise provided 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.

c) The Chair, in consultation with the Clerk's office, shall set the committee agenda. The Chair shall set the date and time for any continued hearing and shall notify the Clerk's office of such.

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

e) The Chair may call a special meeting of 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 prior to the meeting, excluding weekends. The Clerk shall give all appropriate notices as provided for by law.

(See KRS § 61.823)

4.07 Committee Actions with Quorum

With a quorum, a committee may take the following actions:

a) Amend an item;

b) Recommend an item for passage or denial;

c) Forward an item to the Council with no recommendation;

d) Table an item;

e) Refer an ordinance or resolution 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 or resolution 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 Members vote against the motion. A motion to refer to the Internal Auditor shall not be in order at a regular Council meeting. Ordinances and resolutions 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 or resolution at a subsequent committee meeting shall be out of order.

4.08 Committee Actions without Quorum

With no quorum, the Committee Chair may send an item out of committee to the Council with no recommendation. The item shall be placed under Old Business.

4.09 Committee Minutes

The Clerk's office staff shall keep minutes of actions taken by the committee. Minutes of each committee shall be in writing and presented to the Council for approval and appear on the Council's agenda at the next Council meeting following the committee meeting.

(See KRS § 61.835)

4.10 Vote to Accept Committee Minutes

The Council shall vote to accept the committee minutes and take all actions contained in the minutes, other than to approve an ordinance, orders, resolution, or contract. Council 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.

4.11 Committee Recommendations

The committee may recommend that an ordinance, order, or resolution be introduced or amended or that a contract be awarded. If the ordinance, order, 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 minutes. If the ordinance, order, resolution, or contract is not ready for formal action, the committee minutes shall be understood to provide direction to the Jefferson County Attorney or Metro Legal Counsel to prepare the necessary documents. Regardless, all ordinances, orders, 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.

4.12 Action Limited to Committee Meetings

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

4.13 Non-Committee Members Speaking at Committee Meetings

Council 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).

4.14 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 11.02. In the event a party of the same political affiliation has four (4) or more members and is not one of the two largest Caucuses as determined under Rule 11.02, then such party of political affiliation shall have one (1) member who serves on the Committee on Committees.

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 the Council 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(i) 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 32.001 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 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 Clerk will notify the Chair of the Appointments Committee following the expiration of the Mayor's ninety-day (90) appointment time. The Council has thirty (30) days to make such appointment from the date the Mayor's appointment expires. If the Council fails to make such appointment within that 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 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 6.02.

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, racial, and other elements of diversity of the population. Committee Members may consider candidates from Granicus or any other qualified candidates for nomination.

f) The Appointments Committee will follow Rule 4.07 when considering appointment resolutions. Appointments will be considered at the next regular or special Council meeting under Old Business on the agenda.

g) Council Members may make additional nominations during Council meetings so long

as any new nomination complies with subsection (e) of this Rule and is presented in written form.

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

i) The Clerk shall present any approved appointment to the Mayor so the appointment may be communicated to the applicable board or commission. The 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 Committee Members as set forth in subsections (a) and (b) of this Rule.

a) **Membership.** The Committee membership shall be appointed by the Chairs of the two largest political caucuses established in Section 11 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 Committee.

b) **Subpoena 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 at its committee and/or (ii) to produce work papers or documents pertinent to an independent audit or investigation. (The subpoena form and the oath for witness testimony are attached to the Metro Council Policies and Procedures Manual as Attachment H and Attachment I.)

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: (i) the Council would vote on a resolution to initiate an independent audit or investigation; (ii) 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 a majority vote of the Committee.

3. Sworn testimony before the Committee may be compelled only with a majority vote of the 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 Committee will issue subpoenas and anything enacted by the Committee that is not considered by the Council.

6. The Committee 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 Committee. The petition may be issued only with a majority vote of

the Committee.

c) **Removal authority and process.** The Government Oversight and Audit Committee may recommend to the Council the removal of a member of a board or commission who is either a member (i) appointed by the 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 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 Member of the Council may initiate the process for removal of an appointed member by filing a resolution, in compliance with Rule 6.02 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 Committee to consider removal of the appointed member from the board or commission.

2. Unless otherwise expressly provided by ordinance or statute, the removal standard for the Committee to consider and recommend the removal of any appointed member of a board or commission shall be for inefficiency, neglect of duty, malfeasance, or conflict of interest.

3. The 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 Committee meeting when a date for the removal hearing will be scheduled.

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

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

6. Following a removal recommendation by the Committee, 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.

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

4A.05 Committee on Equity and Inclusion

The Committee on Equity and Inclusion is a standing committee composed in accordance with Rules 2.01(i), 4.01, and 4.03, and is responsible for the oversight of advancing equity across Metro Louisville through the creation of a platform for enhanced understanding leading to legislative solutions and systemic change.

SECTION 5. MOTIONS, DEBATES, AND VOTES

5.01 Motions

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

5.02 Motions Considered and Withdrawal of Motions

If a motion is stated by the 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 Member to speak or debate a subject which is open to debate, the presiding officer must first recognize the Member. A Member may speak only on matters germane to the business or questions under debate for such a period of time as the presiding officer may designate. When two or more Members seek recognition at about the same time, the presiding officer shall designate who shall have the right to speak. Without objection, Members may submit to the Clerk, with copies to all Members present, written remarks to be included in the 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 Members of the 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 Member of the Council, and the 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 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 Members shall be recognized in the following manner:

a) In order for a 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 Rule 5.08, when a member casts a vote of “present,” and motions made regarding the election of President, Council Appointees, or Clerk;

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

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

e) Any Council Member who is present at a meeting, but does not vote, abstains, or votes “present” on a particular matter, will be treated as not having cast a vote.

f) Roll call votes shall be called in numerical order by district (1 through 26).

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; and

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

5.08 Conflict of Interest

As soon as a Council Member believes that he/she has a conflict of interest in a matter before the Council or a committee, the Council Member shall advise the Council or committee of the interest or perceived conflict of interest and he/she shall abstain from casting a vote for or against any ordinance, order, 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 minutes; and in a committee meeting, he/she may request that a statement be entered in the minutes of the meeting.

5.09 Voting on Amendments, Orders, and Resolutions

The Council or committees may vote on any amendment, order, or resolution by voice vote. If the 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 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 lay on the table;
- d) For the previous question;
- e) To limit debate. A motion to limit debate shall apply to Council 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 Members 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, order, or resolution shall be limited to 1.5 hours after the motion is successfully made. Upon the expiration of said time limit, the ordinance, order, or resolution, amended or not, shall be automatically called for a final vote;
- f) To postpone to a fixed time;
- 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).

The above motions shall have precedence in the order in which they are arranged. Exceptions (a) through (e) and (i) 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 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 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, order, or resolution out of its regular order shall require a two-thirds (2/3) vote of the Council Members. A motion to reconsider a vote shall not be made after the next meeting of the Council at which such vote was adopted.

5.13 Challenge to Presiding Officer's Decision

The validity of the decision of the presiding officer on any question of order may be appealed to the Council or committee on the request of one (1) Member. During the pendency of any appeal, the 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 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.

5.14 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 for all applicable cases which are not consistent with the Constitution and statutes of the Commonwealth of Kentucky.

5.15 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 Members present. A Council Member who is present but does not vote or abstains on a particular item will be treated as not having cast a vote.

(See KRS § 100.211(h))

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

6.01 Legislation Must Comply with Rules

The Clerk may not accept any ordinance, order, or resolution which does not comply with the provisions set forth in these Rules, except for orders and resolutions introduced pursuant to Rule 4A.04.

6.02 Deadline for Legislation; and Procedure for Legislation Received After Deadline

The Clerk shall receive all ordinances, orders, and resolutions to be introduced at a regular meeting of the Council by Monday at 12:00 p.m. (or in case of a holiday falling on Monday, the prior business day) prior to the regular Thursday meeting of the Council. Should a Council Member request the addition of an ordinance, order, or resolution to the Council agenda after the 12:00 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, order, 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, orders, or resolutions up until 5:00 p.m. of the day of the cancelled Committee on Committees meeting.

6.03 Submitting Legislation

The Mayor, the Jefferson County Attorney's Office, 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 requesting "entity," shall submit an ordinance, order, 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.

The requesting entity and the Council Member sponsoring the ordinance, order, or resolution are responsible for ensuring that the Clerk receives the following:

- a) An electronic copy of the ordinance, order, or resolution, which shall conform to the specifications set forth in the Metro Council Policies and Procedures Manual and include all attachments explaining the ordinance, order, or resolution;
- b) The name of the sponsor(s) of the ordinance, order, or resolution;
- c) 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, order, or resolution requires the acceptance or expenditure of unbudgeted monies.

A hard copy of all ordinances, orders, and resolutions with the signature of an Assistant Jefferson County Attorney with approval of form and legality shall be submitted to the Clerk by said office prior to introduction. ["Form" means the ordinance, order, or resolution was drafted in compliance with KRS §§ 83A.060(1), (2), and (3) and other applicable laws. "Legality" means the ordinance, order, or resolution was drafted or reviewed pursuant to the provisions of KRS § 83A.060 and that the ordinance, order, or resolution on its face does not violate federal or state constitutions, statutes, or common law. Upon receipt and approval by the requesting individual, the draft document will receive the signature of designated representatives of the JCAO.]

6.04 Sponsorship of Legislation

a) Only a Council Member may introduce an ordinance, order, resolution, contract, or lease to be considered by the Council.

b) A Council Member shall be consulted by the requesting entity prior to the Council Member's name being placed on an ordinance, order, or resolution as a sponsor. The Clerk may only accept those ordinances, orders, or resolutions that have a Council Member sponsoring them to be placed on the Tentative Agenda as contained in Rule 6.05 and/or the Final Agenda as provided in Rule 6.06.

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

6.05 Tentative Agenda

The Clerk shall cause a Tentative Agenda to be prepared and distributed to the Council by Monday at 5:00 p.m.

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 Final Agenda to be prepared for that meeting. The Final Agenda shall include all items on the Tentative Agenda unless the Clerk is otherwise instructed.

a) No ordinance, order, or resolution shall be added to the Final Agenda that was not listed on the Tentative Agenda, except as provided under the provisions established in Rule 6.02;

b) No item shall be added to the Final Agenda after 12:00 p.m. 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.

c) Any ordinance, order, 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.

6.07 Introduction of Legislation

An ordinance, order, or resolution is introduced when the Clerk, sponsoring Council Member, or presiding officer reads the title of said ordinance, order, or resolution at a regular or properly-called special meeting of the Council. The reading of the title of an ordinance, order, or resolution shall constitute the reading of a summary thereof.

6.08 Legal Specifications for Legislation

An ordinance, order, or resolution shall:

- a) Embrace but one subject;
- b) Have a title which clearly states the subject matter;
- c) Have an enacting clause; and

d) Conform to all of the technical requirements as set forth in the Metro Council Policies and Procedures Manual.

(See KRS §§ 83A.060 and 83.500)

6.09 Contract Resolution Requirements

A resolution approving a contract shall include the name of the entity that is being contracted with, the amount of the contract, what department of Metro Government has asked for the contract, what services will be rendered under the contract, and the effective dates of the contract. An electronic copy of the signed contract and the Non-Competitive Contract Form (NCCR) shall be included 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 Metro Government, the amount of the grant, what department of 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 Members, and identifying the available funds either in the Council’s budget or the Council Member’s individual cost center should be given to the President of the Council. Contracts may be negotiated by the President. The President shall present such requests to the Committee of the Whole and shall request the authority to process the request according 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. Termination of such contract shall be done in the same manner in which it was approved.

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

7.01 Procedure for Enacting Legislation

No ordinance, order, 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:

a) When an ordinance, order, or resolution is deemed an emergency by a vote of two-thirds (2/3) of the membership of the Council. The ordinance, order, or resolution shall describe the nature of the emergency in the body of the ordinance, order, or resolution; or

b) When a resolution pertains to an administrative act or function of the Council.

Any ordinance may be amended or repealed by another ordinance.

(See KRS §§ 83A.060 and 83.500)

7.02 President to Refer Legislation to Committee

Upon introduction, every ordinance, proposition, petition, order, resolution, 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 Member of the Council to be heard before such committee.

7.03 Rejected Legislation Not to be Reintroduced

All propositions, ordinances, orders, 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 Members of the Council.

7.04 Discharge Petition

The presiding officer of a committee should allow such committee to consider any matter referred to it within a reasonable time. At any time, upon presentation to the President and notification to the Clerk's office, either in writing or by electronic means, of a petition signed by fourteen (14) Members of the Council, the matter may be recalled from the committee and considered by the Council in the same manner as if the committee had 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.

7.05 Consent Calendar and Old Business

a) The presiding officer of a committee 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 Consent Calendar 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 Council, a Council Member may remove an item from the

Consent 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.

2. 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.

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, with the Committee Chair's approval, before the Clerk has prepared the Final Agenda, as required by Rule 6.06.

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

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

f.) The Consent Calendar shall precede Old Business on the Council meeting agenda, have all items identified by committee, and in the absence of an objection from any Council Member shall be approved as follows:

1. The President shall ask the Clerk to give second reading to the titles of the items on the Consent Calendar;

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

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 minutes shall reflect which Council Members voted "yes," "no," "present," or "abstained." Council Members may explain their vote on one or more items on the Consent Calendar.

(See KRS § 61.835)

7.06 Enacted Legislation Presumed Compliant

Any ordinance, order, 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 Council to Act Within Six (6) Months

The Council shall take final action on each ordinance, order, or resolution by the last day of the sixth month that follows the Council meeting at which it was introduced and given a first reading.

If such an ordinance, order, 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) Council Members listed as primary sponsors of an ordinance, order, or resolution may withdraw their sponsorship of that ordinance, order, or resolution at any time until passed by vote of the Council. If the withdrawal of sponsorship by primary sponsor(s) leaves an ordinance, order, or resolution without a primary sponsor, the ordinance, order, or resolution “dies” and shall not be considered further. “Primary sponsors” are Members of the Council sponsoring an ordinance, order, or resolution at the time of its filing with the Clerk as provided in Rule 6.04. -“Cosponsors” are Members of the Council who are added after the filing of an ordinance, order, or resolution.

b) If an ordinance, order, or resolution is amended by substitution during a Council meeting, it must be germane to the original ordinance, order, or resolution. In that event, the sponsors, at their option, may withdraw their sponsorship, at which time the Council Member(s) that proffers the amendment by substitution shall become the new primary sponsor(s) of the amended version of the ordinance, order, or resolution.

7.09 Motion to Recommit

A Member 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 Member to refer a matter back to committee, a majority vote of the Council is necessary to refer the matter back to committee.

7.10 Legislation to be Presented to Mayor

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

a) The Mayor may approve or veto ordinances and resolutions, including any line item(s) of an appropriation measure;

1. Those ordinances, resolutions, or line items of an appropriation measure that are approved shall be signed by the Mayor and shall then be in full force;

2. Those ordinances, resolutions, or line items of an appropriation measure the Mayor vetoes shall be returned to the Council with his/her objections which shall be entered in full into the Council’s minutes, and shall be void unless reconsidered and repassed in the same manner required to override the Mayor’s veto. The Council may reconsider the ordinance, resolution, or line item of an appropriation measure at its next or second regularly scheduled meeting thereafter. If, after such reconsideration, two-thirds (2/3) of the Council agrees to its passage, the ordinance, resolution, or line item of an appropriations measure shall be in force.

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/she had signed it.

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

7.11 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.

(See KRS § 65.003)

8.02 Council Members to Maintain Proper Decorum

All Members shall maintain proper decorum during meetings of the Council and committees.

8.03 Discipline of Council Members

If any Member, while speaking or otherwise, transgresses any rule of the Council or fails to maintain proper decorum, the presiding officer shall call such Member to order. After hearing a short explanation from the Member called to order, or upon withdrawal by the Member of the objectionable language, the presiding officer may permit the Member to proceed, or may compel silence upon the Member until the matter is disposed of. The ruling of the presiding officer shall be subject to an appeal to the Council pursuant to Rule 5.13. The Council may, by a vote of two-thirds (2/3) 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.

8.04 Copies of Items to be Provided

Any item or document introduced by a Member shall be provided in any proceeding before a committee of the Council. The item or document shall bear the identity of the originator. This Rule shall not apply to amendments to any pending item of legislation.

8.05 Admittance to Chamber Floor

No person, except Council Members, the Council’s staff, and Metro Government officers, shall be admitted upon the floor of the Chamber unless permitted at the discretion of the presiding officer. It shall be the duty of the 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 presiding officer shall call such person to order. Loud, noisy, profane, disruptive or boisterous behavior on the part of visitors or onlookers at Council or committee meetings or hearings shall not be tolerated, and the presiding officer shall have the discretion to order the Chief of Police or any officers and assistants 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, the Clerk shall perform statutory duties to preserve the records of the Council. The Clerk is responsible to the entire Council. The Clerk shall be designated as the official custodian of all records for the Council.

(See KRS § 67.120)

9.02 Management of Administrative Personnel

The President, 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 remaining Members of Committee on Committees, shall decide the number of positions of the Council’s administrative staff, hire and dismiss administrative staff, and fix the salaries for such positions. For purposes of this Rule, employees referred to in Rule 1.10 and employees directly serving Caucuses as referred to in Rule 11.02 shall not be considered administrative staff.

9.03 Management of Caucus Staff

The respective Caucuses, as determined under Rule 11.02, shall determine the policies and procedures for hiring, firing, compensating, and disciplining employees who serve such Caucuses.

9.04 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.

SECTION 10. VACANCIES

10.01 Resignation of a Council Member

If a Member seeks to resign the office of Council Member, said Member shall tender a written resignation to the President with a copy to the Clerk. If the President seeks to resign the office of the President of the Council and/or the office of Council 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 Member, and the office shall be deemed vacant as of such date. The vacancy shall be filled pursuant to KRS § 67C.103.

10.02 Death of a Council Member or Council President

If a Member dies while holding the office of Council Member, the office shall be deemed vacant the day following the date of death. Upon the death of the President, the Council shall elect a President from one (1) of its Members at one (1) of the next two (2) Council meetings after his/her reported death to fill out the unexpired term of such President.

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

No person may be removed from the office of Council Member or the office of President during the term to which he/she shall have been elected except upon a showing of 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 Member pursuant to 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 Members issue written charges under oath delivered to the Clerk that the President or the Council Member (as the case may be) has committed acts or engaged in a course of conduct which constitutes misconduct, incapacity, or willful neglect in the performance of the official duties or is unqualified pursuant to Kentucky Revised Statutes; and

b) The remaining 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) 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 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 office of Council Member may appeal his/her removal from office to the appropriate circuit court with jurisdiction to hear the appeal.

(See KRS § 67C.143(4))

10.05 Status of President's Office During Appeal

During the pendency of an appeal of the removal of a Council Member who was President, the Council shall elect a permanent President Pro-Tem who shall perform the duties of the President.

10.06 Removal of the Powers of the President

In the event that twelve (12) Council Members execute a sworn statement declaring 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 a vote of twenty (20) of its Members declare the President unable to carry on the duties of the President by reasons identified in the sworn statement. Provided that before such vote, if requested by the President, a hearing shall be conducted as described in Rule 10.03, and in such case, the issue of the President's ability to carry out the duties of the Presidency shall be decided by the Council Members (other than the President and the twelve (12) Council Members who have issued the charge) and a vote of two-thirds (2/3) of the Members shall be necessary to remove the President.

10.07 Election of New President Following Removal

Upon removal of the President, the Council shall elect a permanent President Pro-Tem who shall perform all of the duties of the President 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.

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 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 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 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 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 applicants.

(See KRS § 67C.103(12))

10.11 Vote of Majority of Council Members for Vacancy

The person receiving the vote of the majority of the remaining Members of the Council shall be appointed to fill the vacancy pursuant to this 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 Member shall immediately be seated pursuant to these Rules so that he/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 11. CAUCUSES, MAJORITY AND MINORITY CAUCUS LEADERS

11.01 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 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 its committees.

11.02 Chair and Vice Chair to Represent Caucus

The Members of the Council belonging to a party 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 Members of the Council shall be called the "majority leaders." The Chair 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 Members of such caucus.

(See KRS 67C.131(2))