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The Citizens' Advocate Office

"Promoting Fairness and Efficiency in Public Administration"
Lexington-Fayette Urban County Government
"The Horse Capital of the World"



2010 ANNUAL REPORT OF ACTIVITIES

The Value of an Ombudsman

[Pursuant to Appendix A. Guidelines for the Office of Citizens' Advocate, Section II. Disclosures and recommendations \(c\).](#) I have the honor of submitting to Council the annual report on the performance of this office during calendar year 2010. This report will contain a summary of trends and profiles in community needs and problems as evidenced by the data collected by the office of the citizens' advocate through the year.

This is our 35th annual report and we hope it paints a picture of what our office does for the people of Lexington. As in previous reports, we have included a sampling of the kinds of problems that people bring to us and how we responded to them. We have also included information that we are charged to provide to the Council and the public.

We all know that in these tough economic times, every dollar counts. Everyone is hurting: the Urban County Government has a huge deficit, small businesses are struggling, our fellow citizens are coping with reduced income, and local government departments are dealing with budget cut. As local government departments have fewer resources to handle an increased demand for their services, things slip through the crack. Departments can't do all the things they did several years ago. Administrators face greater challenges today than at anytime since this office was created in the Charter.

Our role in this environment is to hold local government agencies accountable for doing

the job that needs to be done, in spite of tough times. As an independent, Ombudsman office of this government body, we look at how departments are treating our fellow citizens to make sure government agencies are doing the things the law requires them to do. On the other hand, we also look at how the government agencies are coping with reduced resources and how this effects our citizens.

It's important to have someone in these tough times who is independent and can take an impartial look at how the cut-backs impact people in our neighborhoods and communities. The Citizens' Advocate Office does that by investigating citizen complaints. We don't do top-down studies and we don't review strategic plans. Instead, we look at how the agency's policies and procedures are impacting real people because we investigate their complaints. Since we are not under the agency's control, we can make an independent assessment.

Many times, our complaint resolution results in financial savings. Later in this report we will provide some examples of how our intervention has saved money. I think it's important to note that the financial benefit to local government from what we do far outweighs the cost of our office.

We hope you find this report useful and informative. Please contact the office if you have any questions or comments. We welcome the opportunity to visit with you.



Security Watch List - Establishing Protocol

The need has been identified to more clearly define what constitutes a significant event / incident whereby a citizen should be added to the security watch list. The Citizens' Advocate Office initially received its 1st complaint during the 1st Quarter about the security watch list from a citizen we are all familiar with from the 8th District. Since then, the security at the front desk has called upon this office to mediate other instances whereby citizens' were disgruntled because they too were on the security watch list.

Currently when citizens enter any government facility, they are required to provide their driver's license to the security guard and disclosed the nature of their business. The guard then takes the citizen's license and enters it into the security database to generate a temporary badge for the citizen to wear. When a citizen has been placed on the security watch list, their name will flash red on the monitor, notifying the guard that this citizen is a person of interest and detailing what restrictions have been placed on this individual during the time they are conducting business on city property.

There is no question that there are individuals who warrant being placed on the security watch list for an event / incident. The person can be added to the list by city officials, a government departments, divisions, agencies, employees, or because of his or her interaction at an event / function or meetings involving city government without further consideration or appeal.

The question presents a concern when a citizen has not been made aware that he/she is on the list until he/she is confronted by the security guard during visitor check-in process. And it appears that there is currently no level of protocol provided in the form of a policy or procedure that dictates what constitutes a significant event / incident whereby a citizen should be added to the security watch list.

This office has identified several problems with the Security Watch list that perhaps administration should address that would offer some recourse when dealing with these citizen complaints.:

- By Whom (what authority is given to, i.e. employee of the Lexington-Fayette Urban County Government) is an event / incident involving a citizen's conduct considered to be unreasonable or threatening during the time that citizen engaged with LFUCG personnel. And whom, should respond to citizen complaints generated by such an event / incident.
- By What measure is the event/incident considered to be significant (unreasonable and/or threatening) whereby identifiable steps are taken to place citizen on the LFUCG security watch list. Based on those measures What constitutes specific access restriction levels upon that citizen with regards to whom, what, and where that citizen can go with or without a security guard escort. What measures are taken to determine the degree of security level and the length of time or restrictions required for citizen. What systems are in place to address these issues.
- When measures are taken to add a citizen to the security watch list which authority is responsible for recording the event / incident, responding to complaints generated by event / incident.
- How are records maintained, reviewed, and purged.

It is my recommendation that the administration create a task force to review the Security Watch List policy and procedures and determine how best to handle further citizen complaints so that we all can be clear on how to deal with these concerns ongoing.

2011 UNITED STATES OMBUDSMAN PROFESSIONAL TRAINING CONFERENCE ANNOUNCEMENT:

The 2011 USOA Training Conference will be held Monday, October 24th - Friday, October 28th at the Crowne Plaza Jacksonville Riverfront Hotel in Jacksonville, Florida.

Cost Share Program - A balancing act for Urban and Community Forestry

Urban and community forestry can make a difference in our lives. Each one of us can make a personal contribution. As we develop and apply technologies for a better way of life, often times side effects adversely affect our natural environment. For example, in our urban areas summer temperatures and noise levels are higher than in the surrounding countryside. Air pollution problems are more concentrated, and the landscape is significantly altered, reducing personal health benefits available to us by having access to wooded areas and green open spaces. Trees help solve these problems.

According to various reports, now 75 percent of us live in cities and towns and we can act individually to improve our natural environment through the planting and care of trees on our own streets, and by supporting community-wide forestry programs. Through technology we are learning more about trees and how they benefit mankind, and how we can do a better job of planting and caring for these trees that make up our urban forests.

The Citizens' Advocate Office often receives grievances from citizens with regards to issues pertaining to the replacement of trees and the lack of available funding there is in the Cost Share Program for the removal and replacement of street trees. I've heard discussions about the need to develop better incentives options for citizens to plant trees and comparing best practices from other cities with similar programs. Based on the knowledge gained by attending the Tree Board Meetings, informative conversations I've initiated with various departments regarding the Cost Share Program, awareness of the program is apparent, but lacks the funding necessary to sustain the most vital aspects of this program, which is a balancing act altogether.

The Claim Discrepancy

A SUCCESS STORY

When a citizen called in a complaint that he reported a claim back in February of 2010 about a city snow plow breaking off a portion of his curb and he was told then by the inspector who came and marked off the damaged area that the city would make the necessary repairs only to find out later that his claim was closed and no repairs were made.

We requested the Claims section revisit his case. Fact-finding lead to the determination that this claim somehow fell through the crack and was closed by the adjuster because of some discrepancies in the way this claim was processed. When the citizen initially spoke with the adjuster, not fully understanding the process, he told the adjuster there was no need to file a claim because he was assured by the division they would make the necessary repairs. The adjuster, closed the claim with no further action. So when the citizen tried calling the division for an update, he was told his claim was closed and no repairs would be made. Further discussion with the division management determined additional discrepancies in the process. A simple breakdown in communication between claims and the division.

At this juncture, our office recommended that the division resubmit the claim and/or honor their agreement to repair the damage to the curb. The division chose to made the necessary repairs. The citizen was very pleased with the outcome and the case was finally resolved.

A Good Deed Never Goes Unnoticed

A SUCCESS STORY

Citizen complaint of ongoing problem with dumping specially along side their farm. The citizen indicated that they have been cleaning out the stream and have collected a bunch of old tires that they need assistance to recycle, because the transfer station cost is excessive given the number of tires they have collected from the stream. We were able to work with the Councilmember and the Department of Environmental Quality. The issue regarding alleged illegal dumping was investigated and a total of 118 tires pulled from the stream were removed at no cost to the citizen. Keeping our streams and waterways clean and clear of trash and debris is important. No good deed goes unnoticed. The citizen was very pleased with the outcome.

Internal Processes

Legislative Action

The Lexington-Fayette Urban County Council passed the following Resolution

- Resolution 493-2010 approving the Citizens' Advocate Professional Standards and the Citizens' Advocate Policy and Procedures Manual effective on September 23, 2010.
- Resolution 494-2010 temporarily appointing Paula Campbell to the interim position of Acting Citizens' Advocate effective upon passage of this resolution and continuing until a permanent appointment is made.

Proposed 2011 Projects

- To improve webpage by adding an online complaint form and hyperlinks to related resource documents.
- To distribute a satisfaction survey to all citizens' who have received assistance from our office.
- To create a new brochure that can be downloaded from the website and distributed to citizens.
- To continue to visit with neighborhood associations at their request.

Did you Know?

According to the Professional Standards for the Lexington Citizens' Advocate, the Advocate should have discretion to accept or reject matter for investigation, including the ability to initiate on the Citizens' Advocate's own motion, subject only to the legally defined limits of jurisdiction.

Feedback from the 2010 USOA Conference:

The United States Ombudsman Association (USOA) held its 31st Annual Training Conference this past year in downtown Dayton, Ohio. The theme was "Soaring to New Heights: Innovations in Ombudsmanship" which was reflected throughout the conference program the features comprehensive training sessions on values and ethics, skill development on many topics and how to address urgent issues facing Ombudsmen in these stressful times for our county. I am a voting member of the USOA and budget annual for the opportunity to attend this training session. On November 8, 2010 I submitted a summarized report to Council detailing the benefit I received from the professional training.

For the Record:

Quarterly Report Recap	Total Intakes
First Quarter	40
Second Quarter	29
Third Quarter	27
Fourth Quarter	21
Total Intakes Received	117

ANNUAL INTAKE PER DISTRICT		
Districts:		Totals:
Ford	District 1	21
Blues	District 2	7
Lawless	District 3	5
Beard	District 4	2
Farmer	District 5	5
Stinnett	District 6	6
Crosbie	District 7	8
Myers	District 8	8
McChord	District 9	7
Martin	District 10	11
Henson	District 11	5
Lane	District 12	10
Non-District Related	District 13	22
TOTAL INTAKE		117

ANNUAL DEPARTMENT INTAKE TOTALS		
Departments:		Totals:
Chief Information Office		0
Council		18
Environmental Quality		8
Finance and Administration		3
General Services		5
Law		8
Mayor's Office		2
Public Safety		25
Public Works & Development		17
Social Services		7
Other:		
	Outreach	2
	Outside Agency	52
TOTAL INTAKES ROUTED:		147
Some intakes may impact several different departments		

Top Department Intakes	Totals
Public Safety	29
Public Works & Development	20
Mayor/Council & Other Elected Officials	18
Outside Agency	52