



Lexington-Fayette Urban County Government
OFFICE OF THE CITIZENS' ADVOCATE
OMBUDSMAN
"Promoting Fairness and Efficiency in Public Administration"

Jim Newberry
Mayor

Paula Campbell
Acting Citizens' Advocate

MEMORANDUM

TO: Mayor Jim Newberry
Vice Mayor Jim Gray
Council Members

From: Paula Campbell
Acting Citizens' Advocate Office

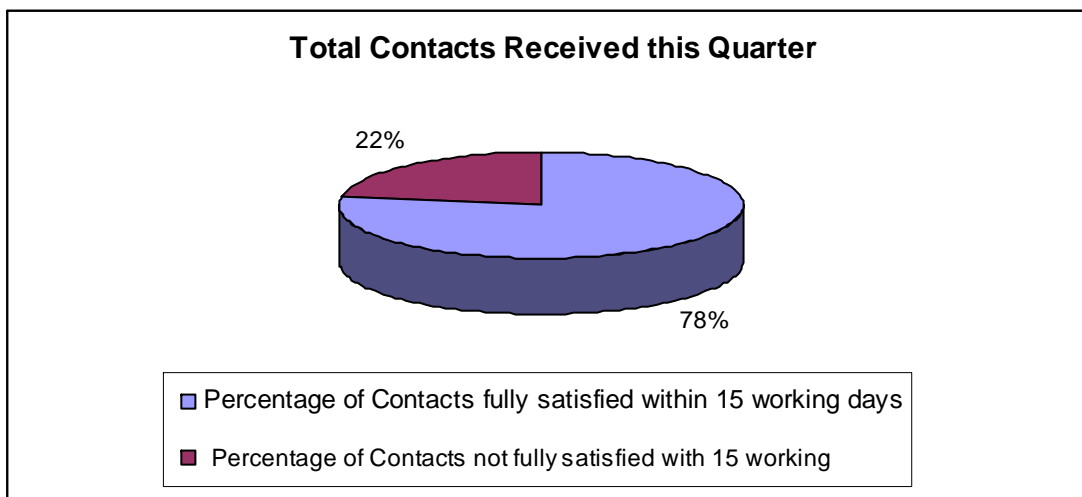
Date: November 16, 2010

Re: 3rd Quarter 2010 Activity Report (July 1, 2010 – September 30, 2010)

SYNOPSIS OF TRENDS:

It is with pleasure that I submit to you the 3rd Quarter Report of 2010 from the Office of the Citizens' Advocate. During this quarter I have to prepare for the Council a more clear, precise, and esthetically pleasing report for your review and consideration. The following document includes: a total number of citizen contacts received by this office; the number of citizen contacts broken down into 3 category types: requests for information; requests for assistance; complaints expressing a grievance against the urban county government, its officers, agents or employees; and inquiries not within the scope of the office of the Citizens' Advocate, which are referred to in this report as outside agencies. The office did close all cases received during this quarter. There is only 1 self-initiated pending case received from a previous quarter that will roll over into the 4th quarter because investigation is still on-going.

An additional attempt was made on the CASE BY CASE SUMMARY to provide more detail of each contact received by this office noting the problem and the response / solution / outcome of the case as well as the number of days it took to complete each case presented with a brief reason to indicate the cause why a case may have extended beyond a 15 working day period. The graph here summarizes the percentage of contacts to show that 22% of the contacts this office received required more than 15 working days to complete. This office however, was able to complete within 15 working days 78% of the contacts it received. Reasons necessary for this extended time may be the result of additional fact-finding, investigative procedures, interviews on the part of this office.



In addition to the legislative processes, other factors beyond our control may be resulted in delay like the abatement process, funding delays, pending respondent replies or process reviews.

LEGISLATIVE ACTION TAKEN BY COUNCIL DURING THIS 3rd QUARTER:

- Council passed the Resolution 493-2010 approving the Citizens' Advocate Professional Standards and the Citizens' Advocate Policy and Procedures Manual. (Effective on September 23, 2010).
- Council passed the Resolution 494-2010 temporarily appointing Paula Campbell to the interim position of Acting Citizens' Advocate Effective upon date of passage of this resolution and continuing until a permanent appointment is made, and approving a ten percent (10%) salary increase.

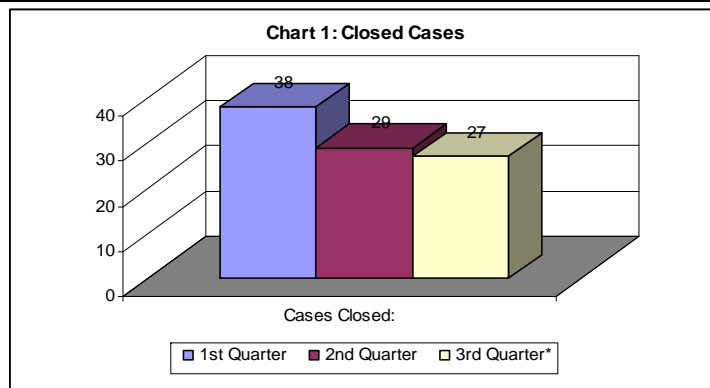
THE VALUE OF ALTERNATIVE DISPUTE RESOLUTION SYSTEMS:

Allocation and effectiveness are of growing interest for this government with the rising cost and expense of litigation to solve grievances, e.g. property damage claims, code and municipal compliance disputes, and even policy conflicts. The Ombudsman is one component of a complaint resolution system that has the potential of being identified as an effective cost reduction mechanism when utilized efficiently by the governing body in which it serves. Ideally one would calculate the financial benefits of Municipal Ombudsman work by obtaining data on such matters as the actual costs of problem resolution before and after the involvement of ombudsmen, litigation, and management of time addressing complaints. However, appropriate data are not available. The Benefits out weigh the risk where reasonable dollar values can be identified into 4 categories: (1) savings of management time and effort that would otherwise be used in addressing matters now resolved by this office; (2) savings in cost of litigation; (3) savings realized through enhanced productivity and retention of qualified personnel; and (4) management consultation services if utilized to it's full potential. The Citizens' Advocate Office will continue to work on new innovative opportunities to enhance the benefits and effectiveness of this office throughout government and the community in which we live.

STATISTICAL DATA:

TABLE 1: SUMMARY OF ACTIVITIES THIS QUARTER

3rd Quarterly Report							
							Type 1:
Complaints Received this Quarter:				27			Complaints = 15
							Informational = 7
							Assistance = 5
Activity This Quarter:							Type 2:
07/01/10 - 09-30-10	Cases Closed:	148	38	29	27		
	Cases Pending:	6	2	0	0		Email = 1 Fax = 0
	Pending/ Self-Initiated Cases rolled over from previous quarter:	2009	1st Quarter 6	2nd Quarter 1	3rd Quarter 1	4th Quarter NR	Phone = 21
	TOTAL COMPLAINTS ADDRESSED:	154	46	30	28		Visit = 6 Written = 0
Top Complaints per Department:							
	4	Public Safety					Type 3:
	4	Council					
	3	Public Works & Development					
	16	Outside Agencies					
							Jurisdictional = 9
							Non-Jurisdictional = 18



SYNOPSIS OF STATISTICAL DATA:

During this quarter a total of 27 contacts were received by this office. Of these 15 were of a complaint nature and only 9 of those fell within our jurisdiction to investigate. The office closed all cases received during this quarter with the exception of one (1) pending self-initiated case received from a previous quarter that will roll over into the 4th quarter because investigation is still on-going. There were three (3) noticeable trends during the 3rd quarter. First, the majority of contacts were received from non-specified districts, of these all were determined to be non-jurisdictional complaints with the majority referred to outside agencies. Second, the majority of District contacts were received from the 1st and 10th Districts. Third, the Department of Public Safety and the Council Office generated the most district contacts. The Department of Public Works & Development followed close behind. The Case by Case Summary identifies all 27 contacts received by this office.

STATISTICAL DATA:**TABLE 2: SPECIFIED NUMBER OF DEPARTMENT / AGENCY CONTACTS RELATED TO COMPLAINTS RECEIVED WITHIN A COUNCIL DISTRICT**

Council District		Finance & Admin	General Services	Law	Public Safety	Environmental Quality	Public Works & Development	Social Services	Mayor/Council & Other Elected Officials	Partner or Outside Agency	TOTAL CONTACTS PER DISTRICT
1st District	James				2					4	6
2nd District	Blues									1	1
3rd District	Lawless										0
4th District	Beard		1								1
5th District	Feigle									2	2
6th District	Stinnett			1	1						2
7th District	Crosbie										0
8th District	Myers				1			1		2	4
9th District	McChord								1		1
10th District	Martin						1		2	1	4
11th District	Henson									1	1
12th District	Lane			1		1	1		1		4
Non-Specified District	At-Large						1	1		5	7
TOTAL CONTACTS PER DEPARTMENT / AGENCY			1	2	4	1	3	2	4	16	33

** A TOTAL OF 27 CONTACTS IMPACTED THE VARIOUS DEPARTMENTS 33 TIMES

*** SOME INTAKES MAY AFFECT SEVERAL DIFFERENT DEPARTMENTS

DISCLOSURES AND/OR RECOMMENDATIONS:

During this quarter, the Citizens' Advocate Office has not found there to be any abuses or irregularities on the part of the urban county government, its officers, agents or employees that were systemic in nature or needs Council's attention at this time. I'm preparing now for the Annual Report, which will be submitted to Council by January 31, 2011.

CASE BY CASE SUMMARY:

DISTRICT	INITIAL DATE	DEPARTMENT	DIVISION/AGENCY	TYPE 1	TYPE 2	TYPE 3	CLOSED DATE
1	7-14-2010	Public Safety	Code Enforcement	Assistance	Jurisdiction	Phone	9-28-2010
	Problem:	Referred by CM: Abatement request was made through LexCall by neighbor during the time the abatement money was depleted. CM reported the tall weeds again in July by request of a neighbor.					
68 Days Division Program Funding Delays	Response:	After further inquiry, monitored this case until completion. Property was inspected in July by CE, but the property was not in violation at that time. By September LexCall received another call from a neighbor about overgrown weeds on vacant lot and by September the property was abated by the CE.					
	8-06-2010	Outside Agency	County Clerk's	Complaint	NJ	Visit	08-06-2010
	Problem:	Citizen having difficulty getting error corrected on marriage license after providing proof of name change several time to County Clerk's Office and the error was not corrected.					
1 Day	Response:	Coached citizen then redirected to County Clerk's Office after making a few inquiries by phone. Follow-up concluded that problem was quickly dealt with and resolved by clerk.					
	8-10-2010	Outside Agency	County Attorney	Complaint	NJ	Phone	8-10-2010
	Problem:	Citizen having difficulty getting anyone to answer her phone calls at the County Attorney's Office. Her concern was that she needed to know what time she was scheduled to re-appear for payment in traffic court and wanted to postpone because she still didn't have the money to pay her fine.					
1 Day	Response:	Unable to provide any assistance.					
	08-13-2010	Public Safety	Code Enforcement	Assistance	Jurisdiction	Phone	8-25-2010
	Problem:	Abatement request regarding neighbor's trash and debris in yard along with tall grass and weeds.					
8 Days Abatement	Response:	Checked LexCall incident report then inquired further with CE. Property is being abated. Held case open until property was abated on 8-25-10.					
	8-16-2010	Outside Agency	Ombudsman	Complaint	NJ	Phone	8-16-2010
	Problem:	Anonymous v/m message left by caller with complaint about bed bug break-out at the Christian Care Community. Dissatisfied with response from local agencies. Asking for state assistance.					
1 Day	Response:	Numerous attempts made to contact caller using number recorded by v/m. Caller did not verbally leave a callback number. Referred the complaint to State Ombudsman Office by request left on the v/m.					
	9-9-2010	Outside Agency	Animal Control	Complaint	NJ	Phone	9-25-2010
	Problem:	Allegations by citizen that Animal Control Officer falsified citation report to say that his dog was off leash while in a public area. Citizen stated he was appealing and the court date was set for 9-25-10.					
21 Days Court Date	Response:	Inquired with Animal Control about process and procedures. Advised citizen he how he may request thru open records the video recorded by the control officer during the time of the citation. Suggested he maintain his court date to present his evidence. Held case open thru court date. No further action required.					

DISTRICT	INITIAL DATE	DEPARTMENT	DIVISION/AGENCY	TYPE 1	TYPE 2	TYPE 3	CLOSED DATE
2	7-01-2010	Outside Agency	Business	Informational	NJ	Visit	7-01-2010
	Problem:	Citizen wanted the city to know that she fell in front of a downtown business because of the streetscape construction taking place along Limestone and Vine. She apparently missed a step down / drop-off along the sidewalk.					
1 Day	Response:	Before visiting my office the citizen had already spoke with the business owner, and a police officer passing by the location. The citizen was not hurt physically by the fall she had taken. In addition an inquiry was done with DDC about whether they received similar complaints or incidents and how they were handling them.					

DISTRICT	INITIAL DATE	DEPARTMENT	DIVISION/AGENCY	TYPE 1	TYPE 2	TYPE 3	CLOSED DATE
3	No Cases to Report						

DISTRICT	INITIAL DATE	DEPARTMENT	DIVISION/AGENCY	TYPE 1	TYPE 2	TYPE 3	CLOSED DATE
4	8-26-2010	General Services	Parks & Recreation	Complaint	Jurisdiction	Phone	9-21-2010
	Problem:	Citizen expressed concerns regarding the management of Meadowbrook Golf Course. Making allegations that one of the employees was running a side business after working hours giving lessons and accepting cash for those services. In addition, the complainant alleges that this same employee is often rude and turns off patrons/customers by having a bad attitude. The citizen also indicated is opposition to the potential closing of the golf course.					
17 Days Management Review and Fact-Finding	Response:	Initially inquired with CM Beard's Office. Spoke with upper management about these allegations requesting they take immediate action to verify and report back any irregularities and subsequently speak to the employee in question. The respondent reported back to my office indicated that the no irregularities were found. That employee is on the clock when working after hours / facilitating the needs of customers receiving golf lessons. There is no indication that employee takes any cash for services the golf course provides. Most patrons pay with a check. All funds collected are accounted for and go to the city. This employee does work primarily with women's leagues, but only facilitates getting them through the course and is not a professional instructor. Fact-finding lead to the ambiguous nature of the citizen concerns. During follow-up with the citizen, I indicated there were no irregularities determined regarding the employee. Management did coach and counsel employee during their review of the complaint. We also assured citizen that the golf course was not going to be closed this year, per the CM. In addition measures are in process by CM to maintain the golf course which may come under review during the next budget process.					

DISTRICT	INITIAL DATE	DEPARTMENT	DIVISION/AGENCY	TYPE 1	TYPE 2	TYPE 3	CLOSED DATE
5	9-24-2010	Outside Agency	US Immigration	Complaint	NJ	Phone	9-24-2010
	Problem:	Complainant trying to report illegal immigrants working at a business on Winchester Road.					
1 Day	Response:	Complainant indicated he received no response from the State Immigration Department so after further inquiry referred I referred complainant to the US Immigration & Customs Enforcement Agency (ICE) to file his complaint.					
	9-29-2010	Outside Agency	Small Claims Court	Complaint	NJ	Phone	9-29-2010

	Problem:	Complainant wants restitution from landlord to recover the rent payment he made and so desperately needs back to cover expenses of having to move after is apartment complex was condemned by CE for having over 37 code violations and the tenants were given 1 night to move out. Red Cross has provided temporary assistance for housing, but complainant says it's not enough. He is also receiving assistance from Tenant Service.					
1 Day	Response:	After further inquiry with about the problem the citizen was referred to Pro Bono, Legal Services and Small Claims Court to acquire the additional services he needs.					

DISTRICT	INITIAL DATE	DEPARTMENT	DIVISION/AGENCY	TYPE 1	TYPE 2	TYPE 3	CLOSED DATE
6	9-16-2010	Law Public Safety	Claims Police – IA Fire & Emergency	Complaint	Jurisdiction	Phone	10-27-2010
	Problem:	Citizen complaint against the process officers took during a 911 residential call. As a result, complainant alleges that the officer actions were unprofessional causing her to be transported to hospital by EMS against her will and now has received over \$2,000 in bills from both EMS and the hospital.					
29 Days Claim in process	Response:	After initial inquiry, suggested that complainant contact Claims in the Law Dept. No further action required by this office. However, a follow-up was done on 10/27/10 with complainant to verify that the claim was filed and properly being investigated. Case is being monitored until outcome is determined.					

DISTRICT	INITIAL DATE	DEPARTMENT	DIVISION/AGENCY	TYPE 1	TYPE 2	TYPE 3	CLOSED DATE
7	No Cases to Report						

DISTRICT	INITIAL DATE	DEPARTMENT	DIVISION/AGENCY	TYPE 1	TYPE 2	TYPE 3	CLOSED DATE
8	7-01-2010	Public Safety Outside Agency	Police Dept of Health & Environmental	Informational	NJ	Phone	7-01-2010
	Problem:	Citizen feels his neighbor harasses him by racing the engine of his car creating a noise disturbance. The complainant also alleges that he suspects the neighbor is involved in drugs.					
1 Day	Response:	Referred citizen to contact the Police Investigation Unit and suggested that he also contact the Dept. of Health & Environmental Services with the Health Dept. about the fumes that radiate into his bedroom window from the neighbor's vehicle.					
	8-06-2010	Social Services Outside Agency	Adult & Tenant Svc Health & Environmental	Informational	Jurisdiction	Phone	8-06-2010
	Problem:	Resident of Parkway Apartments was given a 7 day eviction notice for non-payment of rent after she filed a complaint with BI against the landlord for problems with mold and not making the necessary repairs after fire and water damage,					

		and bed bugs. Complainant was temporarily relocated after the fire but has since moved back into the apartment.
1 Day	Response:	After further inquiry, it was determined that complainant needed to be redirected to Tenant Services and suggested that she notice the Health Dept about the mold issue.

DISTRICT	INITIAL DATE	DEPARTMENT	DIVISION/AGENCY	TYPE 1	TYPE 2	TYPE 3	CLOSED DATE
9	8-16-2010	Council	Citizens' Advocate	Complaint	Jurisdiction	Visit	8-16-2010
	Problem:	Citizen complaint about finding out her name had been placed on the government Security Watch List during her last visit to the government center.					
1 Day	Response:	After further inquiry with citizen, and conversation with security, it was explained to citizen that there is no recourse she can take at this time. She stated she was going to address Council during public comments at the next Council Meeting. I noticed that she came to Council Meeting, but left and did not return to address her issue during public comment.					

DISTRICT	INITIAL DATE	DEPARTMENT	DIVISION/AGENCY	TYPE 1	TYPE 2	TYPE 3	CLOSED DATE
10	7-01-2010	Public Works Council Office	Building Inspection CM Office	Assistance	Jurisdiction	Phone	7-01-2010
	Problem:	Complainant wanted to remain anonymous about his complaint of unfair treatment of small business building code standards putting them at a disadvantage by not using common sense about suitable requirement. He stated that there is a problem when the perception is not to get a permit, when it is easier to ask for forgiveness and then get the permit. Having no other recourse to appeal without retaliation from BI, he suggested having an Ombudsman to respond to these types of problems. Complainant stated he also spoke about these issues with his CM.					
1 Day	Response:	Complainant was adamant about remaining anonymous, thus would not provide detailed information about his business, business location or other information that could be used to reference his complaint. He was however, very appreciative that I took out the time to listen and discuss his concerns.					
	8-06-2010	Outside Agency	UK Dept of Horticulture	Informational	NJ	Phone	8-13-2010
	Problem:	Citizen requesting assistance with problem she is having with a neighbor's tree, whose roots have uprooted and cracked the concrete foundation in her garage. She is concerned about the tree if she takes measures to remove the damaging roots from her property and would like some assistance.					
1 Day	Response:	After further inquiry with Streets, Roads & Forestry, I was able to obtain contact information for UK Horticulture Dept, to refer citizen. No further action required.					
	8-17-2010	Council	Citizens' Advocate	Informational	NJ	Visit	8-17-2010
	Problem:	Complainant's initial concern was that the police officer, who filed the initial drunk driver accident report involving damage to his property, failed to amend the accident/incident report to include not only the fence damage, but the damage to his lawn damage as well. He felt he needed this amendment to file a claim with the driver's insurance.					
1 Day	Response:	After further discussion and inquiry to determine to core problem, an alternative course of action was suggested to the					

		complainant for dealing with his claim through the drunk driver's insurance company. During follow-up with the complainant a few days later, he was satisfied with the results. No further action required.					

DISTRICT	INITIAL DATE	DEPARTMENT	DIVISION/AGENCY	TYPE 1	TYPE 2	TYPE 3	CLOSED DATE
11	9-08-2010	Outside Agency	Downtown Dev Corp	Informational	NJ	Phone	9-08-2010
1 Day	Problem:	Inquiry about unfinished streetscape on Upper St & Limestone so close to the start of the WEG. Citizen was curious why he did see any of the contractors out working.					
	Response:	Contacted DDC and was told that section of construction have been completed. Notified citizen of the response received. A public announcement came out a few days after I received this call, to that affect.					

DISTRICT	INITIAL DATE	DEPARTMENT	DIVISION/AGENCY	TYPE 1	TYPE 2	TYPE 3	CLOSED DATE
12	8-26-2010	Environ Quality Council Office	Water & Air Quality CM Office	Complaint	Jurisdiction	Phone	9-30-2010
	Problem:	Citizen complaint of ongoing problem with dumping along Town Branch Stream specifically along Middle Brook Farm. Citizen indicated that they have been cleaning out the stream and have collected a bunch of old tires and need assistance to recycle, because the transfer station cost is excessive given the number of tires they have collected from the stream.					
24 Days Fact-Finding & Division Response	Response:	After further inquiry into the Tire Amnesty Program, it was determined that no resource was available at this time. Further action will require council input. Working with CM's Office, this matter was brought before the Environmental Quality Department. The issue regarding alleged illegal dumping was investigated by EQD. In addition a total of 118 tires pulled from the stream by Middle Brook Farm were removed by EQD.					
	9-02-2010	Dept of Law Public Works & Dev	Claims Streets, Roads & Forestry	Complaint	Jurisdiction	Phone	9-29-2010
	Problem:	Caller referred by LexCall. Citizen complaint that back in February the city snow plow broke off a portion of curb on his property and when the inspector came and marked off the damaged area, he was told that the city would repair the curb. However, the claim was closed and the no repairs were done.					
18 Days Fact-Finding & Division Response	Response:	Initial investigation started with the division, who submitted the incident report to Claims. Fact-finding lead to the determination that this claim was closed by the Adjustor because of some discrepancies in the way this claim was processed. Recommended that the Claims division revisit this case. Spoke with management from the division and determined additional discrepancies in the process. At this juncture, the division who initiated the claim chose to repair the curb damage. Follow-up with citizen who was very pleased with the outcome. Case resolved.					

DISTRICT	INITIAL DATE	DEPARTMENT	DIVISION/AGENCY	TYPE 1	TYPE 2	TYPE 3	CLOSED DATE
13	8-06-2010	Outside Agency	Lexington Housing Authority HUD – Louisville	Informational	NJ	Visit	8-06-2010
	Problem:	Complainant concerned about being placed on waiting list for another 2 years for a 3 BR, when her initial request was for a 2 BR. Complainant indicated that she is pregnant again and needs to have a permanent address for hospital records.					
1 Day	Response:	Provided additional contact information for Housing Authority and HUD for citizen to call to address complaint directly.					
	8-17-2010	Outside Agency	Food Stamp Office Ombudsman	Complaint	NJ	Phone	8-17-2010
	Problem:	Complainant alleges that with case worker did not send notification of her next recertification date and now she is 3 months behind in receiving her food stamps. Complainant also indicated that she has placed numerous calls to her case worker and has yet to receive a return call.					
1 Day	Response:	Spoke with complainant in detail about her concerns and determined that although she still needs to contact her case worker, she can also contact the State Ombudsman Office for assistance. Provide some additional contact information for her to get in touch with the food stamp office and speak with a supervisor.					
	8-24-2010	Outside Agency	Representative	Assistance	NJ	Phone	8-24-2010
	Problems:	Mother's daughter was taken into temporary custody of the State because she was a victim of sexual abuse. The mother is concerned that her daughter will be transferred to Austin, TX for treatment where she will not be able to travel and tend to her needs because financing is not available by the State.					
1 Day	Response:	Suggested to mother that she may need to contact her state representatives to voice her concerns since she indicated that past contact she has made with the State CHFS has not been responsive.					
	9-07-2010	Social Services	Adult & Tenant Svc	Assistance	NJ	Phone	9-07-2010
	Problem:	Referred by LexCall. Citizen requesting additional monies to assist him because he used up his food stamps vouchers during his recent move to another apartment. He alleges that his case worker will not returned his calls.					
1 Day	Response:	Suggested to citizen that he contact Adult & Tenant Services to inquiry about available means for financial assistance.					
	9-08-2010	Outside Agency	Pro Bono Legal Services	Complaint	NJ	Visit	9-08-2010
	Problem:	Citizen stated that he had 13 different law suites pending on various issues with various entities and wanted to discuss them all with this office.					
1 Day	Response:	After further inquiry with citizen it was determined that none of his 13 pending law suites had any relationship to the LFUCG. Explained that this office had no jurisdiction over these matters and suggested he contact Pro Bono or Legal Services of KY for assistance. No further action necessary.					
	9-21-2010	Public Works &	Building Inspection	Complaint	NJ	Email	9-22-2010

		Dev					
	Problem:	Complaint against work citizen had done by a private Heating & Air Conditioning Contractor, who was recommended by a friend. Dissatisfied with the quality and safety of the work, citizen was asking for advice on how she would proceed.					
2 Day	Response:	After a detailed conversation with citizen, suggested she contact the BI Officer about final inspection of the installation. Citizen will contact BI herself to request a final inspection so she can move forward with trying to get another contractor to complete and repair the unfinished work done by the previous contractor.					
	9-29-2010	Outside Agency	Victims Advocate	Complaint	NJ	Phone	9-29-2010
	Problem:	Mother is concerned that she is not allowed to see her emancipated pregnant 17 year old daughter, who currently is in the hospital. She feels that the boyfriend's negative influence on her daughter is affecting the health and welfare of her daughter.					
1 Day	Response:	Suggested to mother that she contact the dept of Patient Services at the hospital and Victim's Advocate with the County Attorney's Office to voice her concerns.					

HIGHLIGHTS:

The United States Ombudsman Association (USOA) held its 31st Annual Conference this year in downtown Dayton, Ohio at the Crown Plaza Hotel. Our conference hosts were the Ombudsman Office of Dayton and Montgomery County, Ohio and the Board of Directors of the USOA. The theme was *"Soaring to New Heights: Innovations in Ombudsmanship"* which was reflected throughout the conference program that featured comprehensive training sessions on values and ethics, skill development on many topics and how to address urgent issues facing Ombudsmen in these stressful time for our county.

I would like to take this moment to thank the Council for the opportunity to once again attend the USOA training conference. The Citizens' Advocate is a voting member of the USOA and budgets annual for the opportunity to attend these annual training conferences. The only intense Ombudsman training this office receives by professionals in our field of work. I can not express enough the benefit of knowledge gained through the outstanding training sessions presented each year. I feel rejuvenated after attending the conference having spent 5 concentrated days with my colleagues finding new innovations in our strategies and skills for the work we do as Ombudsman.