



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

2012 Annual Report

The Purpose of the Annual Citizens' Advocate Report

Per Appendix A.—Guidelines for the Office of the Citizens' Advocate, section II. Disclosures and recommendations (c), the Citizens' Advocate is to present an annual report to the Council that contains a summary of trends and profiles of community needs and problems that have been discovered through the data collected by the office throughout the year.

What's in the Report?

As stated in the Charter, the Citizens' Advocate's role in this government is to

- a) investigate any complaint by citizens of the Urban County Government;
- b) Disclose any abuses or irregularities on the part of the Urban County Government, its officers, agents or employees; and
- c) Recommend such substantive or procedural policies as may be required.

To give you a clear picture of how this is accomplished, I have included in this year's report examples of citizens' problems, how they were handled and the outcomes. On page 2, you will find a sampling of cases handled by this office.

During my investigations of citizen problems, I sometimes run into issues dealing with the clarity of ordinances, government procedures that may need to be revised or even situations where procedures are needed but none exist. This report gives me the opportunity to highlight these issues and give recommendations. On pages 3 and 4, I have listed several areas that need attention and my recommendations for improvements.

Pages 5 and 6 of this year's report contain summaries of the total number of calls received, the different types of calls received, which council districts were impacted and which departments were involved. Citizens will find on the bottom of page 7 the office hours for the Citizens' Advocate and several ways in which they may make contact with the office.

Did You Know?

The Citizens' Advocate Office was established by the Charter of the Lexington-Fayette Urban County Government and this year's report is the 37th annual report presented by this office.

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SUCCESS STORIES

THIS IS A PARKING SPACE?

A citizen called and was very upset because her car was damaged by a parking stop that was placed in the middle of a parking space at a business on Nicholasville Rd. The citizen felt that the parking stop was a hazard. She stated that even though it was too late for her, she hoped that she could save someone else from damaging their car.

I discussed the issue with Traffic Engineering and Planning and it was determined that the parking stop had eliminated a parking space and that the issue should be handled by Zoning Enforcement. The property was cited for inappropriately removing a parking space. The business complied with the notice and removed the parking stop which restored the parking space.

The citizen was notified that the parking stop had been removed and that the space had been restored. She was very happy with the outcome.

LET IT RAIN

Sometimes agencies cooperating and working together can make a world of difference. For example, during a heavy week of rain in December, a citizen called to say that she had a terrible leak in her roof. Her roof had been repaired a year ago through the Community Action Council, but the roof was now leaking badly.

After talking with a representative from the Community Action Council, I found out that the portion of the roof that was leaking was not part of the original repair that was made last year. The representative from the Community Action Council said that unfortunately there was no money in their budget to make the additional repairs, but he offered to call the contractor to see if anything could be done. The contractor volunteered to repair the roof at no charge. The contractor completed the repairs in one day, just in time for the heaviest of the rain that fell during that week. The citizen was thrilled that she no longer has to worry about water streaming into her house when it rains.

WHERE'S MY CAR?

During the 3rd. Quarter, a citizen called to say that her car had been towed and that she felt it had been towed inappropriately. She stated that she was out of town when her car was towed and that by the time she came back, she didn't have enough money (\$600+) to get her car out of impoundment. She also stated that even if she did have the money, she felt like she should not have to pay because her car should not have been towed.

After working with police and Bluegrass Towing, it was found that Bluegrass Towing had towed the citizen's car because of a complaint from an apartment building manager saying that the car was on their property. However, it was determined that the car was parked on public right-of-way and police had not tagged the car or requested that it be towed. Because the car had been wrongly towed, Bluegrass Towing released the car to the owner and waived the fee.

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GOVERNMENTAL ISSUES

Conditional Access List

What is the conditional access list? The conditional access list is a list that contains the names of persons who during a visit to an Urban County Government facility are limited in their access to certain people or offices, or they may be required to have security escort them to an office due to past inappropriate behavior.

One of the first cases that I dealt with in my capacity as Citizens' Advocate was a citizen whose name was on the conditional access list. His complaint was that he felt he should not be on the list and he was also upset with the way that he was notified that he was on the list. The way a person is notified under the current system is when they approach the security desk and present their identification their name will flash red on the guard's monitor identifying them as someone whose name is on the list and detailing what their restrictions might be. In turn, the guard will at that point explain that they are on the conditional access list and they given their restriction(s). This citizen found this method of notification to be embarrassing.

Since that first case, I have had several more cases concerning the conditional access list and their complaints were similar. I suggested to the CAO that something that might be helpful would be a CAO Policy so that employees could understand what would constitute placing someone on the list, a way to appeal being placed on the list and a method for notification to a person who has been placed on the list. The CAO's office presented to me a draft policy and asked for comments. I made my comments and received a signed copy of the CAO Policy date of issue 8-2-2012, with a note indicating that the policy would be explained to directors at the next division director's meeting. There were several issues not addressed in the policy that I hoped would be; however, I felt it was a good starting point.

When preparing for this report I found that the policy has never been made official even though it was signed and dated. I was told that the policy had been submitted, but has not been approved by the Law department. Though I was disappointed by this, it does give me the opportunity to put forward my recommendation.

Recommendation

It is my recommendation that this issue be placed in a Council committee or sub-committee to set a policy and procedures that would address what constitutes a significant event or behavior to place a person on the list, how to appeal that placement on the list and how a person is notified that they have been placed on the list and the restrictions accompanying that placement.

Commercial Driver's License (CDL)

While researching a complaint by a citizen, I found it necessary to view a copy of the commercial

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driver's license of an employee. I contacted Human Resources to obtain a copy and was told that if a CDL is required for a position, HR visually verifies that a person has a CDL but does not make a copy of it. I then contacted the division where the employee works and was told that they did not keep copies of their employee's CDLs. At that point my next question became, "Who insures that employees maintain their CDLs and that they have not expired or been revoked?" I was told by HR that it was up to the divisions to oversee this. I asked the division in question how they accomplished this and was told that it was up to the employee to let them know if the status of their CDL had changed.

I then decided to check with another division to see how they managed their CDL employee records. Below is the information I was given:

- A spreadsheet is kept that records the expiration dates for the CDL and for the medical card for each employee who holds a CDL.
- A copy of each employee's CDL and medical card is kept in the division's personnel file.
- Quarterly, a request is sent out to each section asking for updated copies of CDL holder licenses and medical cards on those employees whose licenses/medical cards have expired or are close to expiring. The copies are filed in the employee's personnel file in the division.
- The section managers have been asked to see everyone's licenses/medical cards at random safety meetings to assure that everyone is in good standing.

Recommendation

It is my recommendation that the Administration review divisional management of CDL information and develop procedures for divisions to use in maintenance of that information.

False Alarms

In reviewing the False Alarm ordinance for a case, It was found that the ordinance places the responsibility for acquiring and renewing false alarm permits on the alarm company. However, the consequences for not having a permit or failing to renew a permit is placed on the alarm owner even though permit renewal notices are sent to the alarm company and not the alarm owner.

Recommendation

It is my recommendation that the administration review the False Alarm ordinance and consider attaching the consequences of not acquiring or renewing a permit to the responsible party.

Did You Know?

The Office of the Citizens' Advocate processed 71 more calls in 2012 than in 2011. That is an increase in calls of nearly 53%.

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Chart 1

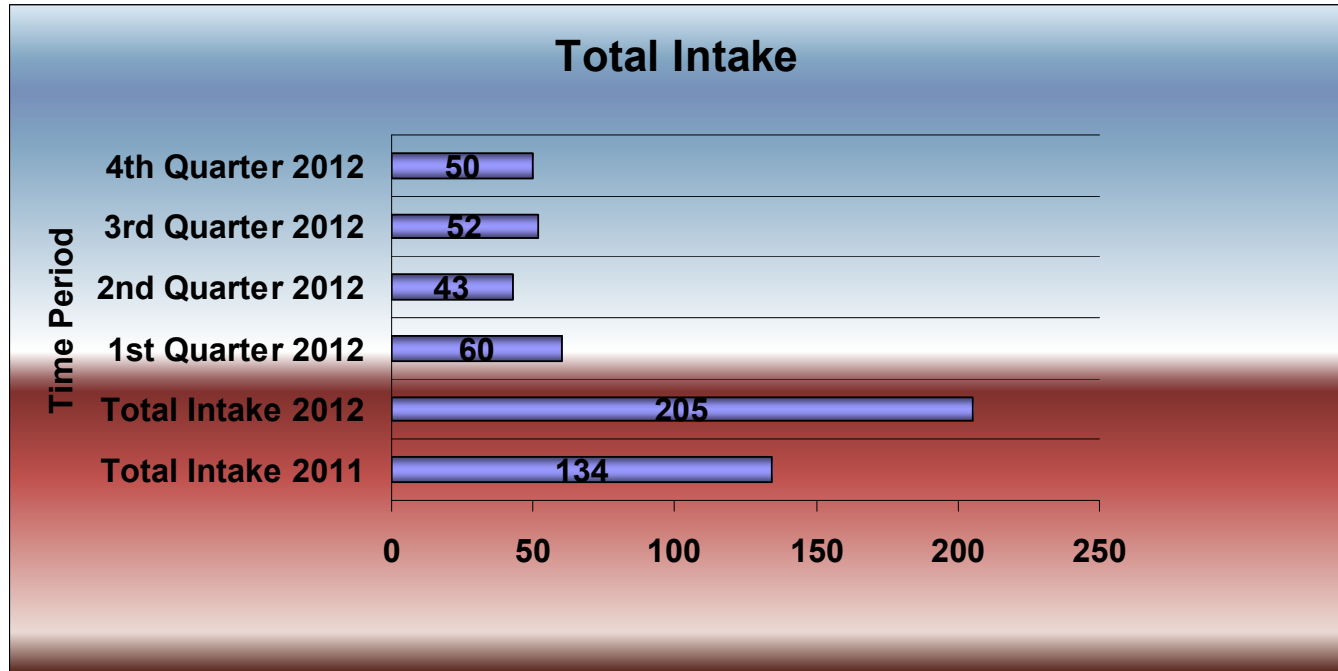


Table 1

2012 Citizen Contact Types

Quarter	Assistance	Complaint	Informational	Grand Total
4	21	16	13	50
3	16	23	13	52
2	9	16	18	43
1	2	38	20	60
Grand Total	48	93	64	205

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Table 2

2012 Quarterly Report Recap

QUARTER	CAO	Council Office	Environmental Quality and Public Works	General Services	Law	Lexington Parking Authority	Mayor's Office	Outside Agency	Planning	Public Safety	Finance	Social Services	Grand Total
1	0	9	6	0	0	0	1	34	1	12	1	2	66
2	0	2	3	2	2	0	0	19	0	11	1	6	46
3	1	2	9	3	4	1	1	21	3	23	0	5	73
4	2	2	12	1	3	0	0	18	1	19	2	8	68
Grand Total	3	15	30	6	9	1	2	92	5	65	4	21	253

Table 3

2012 Citizen Contacts by Council District

DISTRICT	CAO	Council Office	Environmental Quality and Public Works	General Services	Law	Lexington Parking Authority	Mayor's Office	Outside Agency	Planning	Public Safety	Finance	Social Services	Grand Total
1	2	1	7	2	0	0	0	9	0	7	1	2	31
2	0	0	3	0	0	0	0	6	0	8	0	1	18
3	0	2	1	1	0	0	0	3	0	8	0	1	16
4	0	0	0	0	0	1	0	2	0	1	0	2	6
5	0	0	0	1	0	0	0	0	0	3	1	0	5
6	0	0	0	1	0	0	0	0	0	1	0	0	2
7	0	0	2	0	0	0	1	5	0	7	0	4	19
8	0	9	1	0	1	0	0	2	0	3	0	0	16
9	0	0	3	0	1	0	0	0	1	5	1	0	11
10	0	0	3	0	1	0	0	2	0	3	0	0	9
11	0	0	0	0	0	0	0	1	1	1	0	0	3
12	0	0	3	1	2	0	0	4	1	4	0	0	15
At-Large	1	3	7	0	4	0	1	58	2	14	1	11	102
Grand Total	3	15	30	6	9	1	2	92	5	65	4	21	253

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TO CONTACT THE CITIZENS' ADVOCATE

Citizens' Advocate: Penny McFadden

Write: Office of the Citizens' Advocate, Lexington-Fayette Urban County Government,
200 East Main Street Room 441, Lexington, KY 40507

Telephone: (859) 258-3230

Fax: (859) 258-3232

In Person: For Appointment (859) 258-3230

Walk-ins: Available anytime during business hours

Web page: www.lexingtonky.gov

Email: citadv@lexingtonky.gov

Office Hours:

Monday, Wednesday, Thursday and Friday

(9:00 am to 1:00 pm);

Tuesday

(1:00 pm to 5:00 pm)