



Jim Newberry

MAYOR

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

Citizens' Advocate Office

## MEMORANDUM

TO: Mayor Jim Newberry  
Vice Mayor Jim Gray  
Council Members

From: Joan R. Beck  
Citizens' Advocate

Date: October 10, 2008

Re: Third Quarter 2008 Activity Report

The third quarter of 2008 is a watershed period in the history of the Citizens' Advocate Office. Having upheld the provisions of the charter of the Urban County Government, it was time to turn in earnest to a fruitful examination of the goals and objectives of the founders and the Urban County Council with regard to the Citizens' Advocate.

At a time when people are insecure about their government it becomes even more important to provide a mechanism to increase trust. Improving the level of trust in the Citizens' Advocate Office, the Council referred two matters to a newly formed Citizens' Advocate Working Group (CAWG) for study and action. The first item was adoption of a set of professional standards to guide the management of the function. The CAWG studied in depth four guiding principals, as enunciated by two different bodies. We examined, edited, and revised the standards to comport with Kentucky law, the Charter of the Urban County Government, its ordinances, Council Rules, and to reflect the expectations of the citizens of Lexington as represented by their leaders. The CAWG then turned to procedures to govern how the office staff ought to fulfill its mission on a daily basis. Very shortly these two documents will work their way back through the committee system. In the process there has developed a much deeper understanding between the Citizens' Advocate staff and Council, which, in turn, will foster better communication and cooperation to achieve common goals. A specific and noticable change will be the participation of the Citizens' Advocate in Quarterly Committee of the Whole meetings.

The 29<sup>th</sup> Annual Conference of the United States Ombudsman Association was hosted by the Citizens' Advocate Office September 28 – October 3, 2008. Seventy-six ombudsmen from twenty-one states and six foreign countries came here to learn from the best about how to improve the functions they oversee. Thirteen newly created ombudsman offices were represented at a two-day training. Local experts and dignitaries made valuable contributions to the conference. Vice Mayor Jim Gray welcomed our visitors; Sylvia Lovely inspired us; Robert Benvenuti reminded us of the value of independent oversight; Allison Connelly refreshed our thinking on ethical standards; Kim Martin spoke of apology; Irina Soderstrom instructed on mental illness in corrections populations. Our guests were very impressed by the number and quality of local resources who participated in the conference. Several Divisions of the Urban County Government were very helpful with the conference logistics and planning:

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Council Staff, Government Communications, Public Safety, Information Technology. They also were charmed by the hospitality of our residents as they extended their stays to take in some of the beauty of the Bluegrass. Two years ago this office was instructed by Council to “bring home the bacon” by bringing a national conference here. We did that and it was a great success, by any measure.

### THIRD QUARTER CASE STUDIES

We received 46 new complaints in the third quarter of 2008; 36 of those cases have been closed. Ten third quarter cases remain open and nine cases remain open from the prior quarter. Public Safety and Public Works and Development continue to be the Departments most often implicated in the complaints we receive. The First and Second Council District residents contacted the Citizens' Advocate more often than other district residents.

While this government has delayed its efforts to comply with the Americans with Disabilities Act, it successfully improved the travelability of Martin Luther King Blvd., south of High Street. A neighborhood resident had to travel in the street because of multiple obstructions of the sidewalk on both sides of MLK. Several Divisions of this government worked together to remove those obstructions and make the sidewalks passable. Special thanks go to Kevin Wente, Dan Kiser, and David Jarvis for their work that had a direct benefit to the daily lives of Lexingtonians in wheelchairs.

We noticed a curious trend on third quarter cases. In several areas of government where administrative appeals are available, citizens contacted this office for help understanding the process. Inquiries concerned the Board of Architectural Review, the Ethics Commission, the Code Enforcement Administrative Hearing process. Perhaps the underlying divisions are more active and the increase is proportional, but I fear that this government may not be doing all it can to advise citizens of their appeal rights and procedures. We will continue to monitor this trend, in an effort to discern a cause or to recommend specific improvements. At this point we can only report that there seem to be more people who do not understand how the various administrative appeals work and so there is an opportunity for better public education.

We are pleased to report that video surveillance in the detention facility enabled us to resolve a complaint in favor of its administration. A former inmate alleged that an item of his personal property was improperly disposed of during the booking process. The video record of the booking disproved his allegation. When asked about the incident Corrections officials were able to retain the video for joint review so the complaint could be quickly closed.

### ONGOING CONCERNS

We continue to be very concerned about reliance on consulting engineers to provide their own oversight in the development process. The fundamental philosophy that the industry will self-regulate does not adequately protect the best interests of the citizens of Lexington. Initial discussions at the committee level have instilled a glimmer of hope, but we urge a total reexamination of the system of non-policing of development and deference to the existence of Engineering Manuals. We can hope that continued low rainfall amounts will obviate the need for effective development controls, but public policy demands more than hope; it demands action to protect our residents and their investments in their homes and livelihoods.

Two years ago the Council dedicated recouped UDAG money to making the Government Center more accessible by installing a new elevator at the front entrance. Plans were drawn, the bid was let. Yet we learned this quarter that the administration has cancelled the project, apparently without council's prior knowledge and consent. Borrow a wheelchair some Tuesday afternoon and see how long it takes to get from the Annex parking garage to Council Chambers. The current system is an accommodation but it is far from reasonable. Many of our differently able citizens are discouraged from participating in their government because it is just too hard to get here. How many worthy job applicants do we lose because of the current setup? A job applicant in a wheelchair cannot consult in private with the Human Resources representative. Even if the Government Center is replaced in a few years, it is unreasonable to impede access by our physically challenged citizens in the interim with the current state of the entrance to this building. Keep in mind that the purposes to which the recouped money can be used is very limited.

### 3rd Quarterly Stats (2008)

Complaints: 46

#### Activity This Quarter:

(7/01/08 - 9/30/08)

Cases Closed:	36
Cases Pending:	10

Pending Cases Rolled  
over from previous  
quarters: 9

#### Top Complaints per Department:

21	Public Safety
15	Public Works & Development
7	Finance & Administration
12	Outside Agencies

#### Council District Totals:

1	James	7
2	Blues	5
3	DeCamp	3
4	Beard	3
5	Stevens	1
6	Stinnett	1
7	Crosbie	2
8	Myers	1
9	McChord	3
10	Blevins	1
11	Henson	1
12	Lane	2
13	Anonymous	16
		<u>46</u>

#### Type 1:

Assistance = 7  
Complaints = 25  
Informational = 14

#### Type 2:

Email = 13  
Fax = 1  
Phone = 25  
Visit = 5  
Written = 2

#### Type 3:

Jurisdictional = 32  
Non-Jurisdictional = 14