



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: July 14, 2008

Re: Second Quarter 2008 Activity Report

The second quarter of 2008 is an anomaly in many respects. A larger than normal portion of the time and energy of this office was directed internally. Due to the uncertain status of the office during that period we were required to devote resources to defending the Charter of the Urban County Government, specifically as it pertains to the Citizens Advocate Office.

This quarter more complaints than normal were generated from Waste Management. Complaints from citizens reflected a problem with the way recyclables are collected. There appears to be a problem with removing the glass container from the Rosie before it is emptied, resulting in many lost glass containers. In other words, the workers who empty the Rosies are not removing the glass container before they empty the Rosie. The tray, along with the glass, ends up in the recycling. When citizens call in to request a replacement glass container they are told the waiting list is several hundred long and the replacements will not be available for a few months. The LFUCG and the citizens of Lexington are losing too many of the glass recycling containers and the resupply is not keeping up with the demand. Either the loss rate must come down or the resupply must go up. The effect to the citizens is that they are not able to comply with the glass recycling procedures.

Several additional complaints generated from Waste Management are employee issues. They involve grievances and the grievance process. We do not intervene in grievances. We have observed some problems with the grievance process, mainly involving perceptions of bias. We have had good discussions with Human Resources in which we explored the nature of some of the issues, so that they are more aware of various points of view. We are also heartened that the Intergovernmental Committee has taken up the question and will continue to observe the discussions and recommendations concerning the procedure.

We are concerned about the status of LFUCG's efforts to comply with the Americans With Disabilities Act. The federal government set a deadline for governments to make a plan for bringing their buildings into compliance with the Americans with Disabilities Act. That deadline for Lexington was 1992. Lexington was to

H O R S E C A P I T A L O F T H E W O R L D

have its plan created in 1992. Compliance with the plan was to follow shortly. As of today there is no plan. There are no LFUCG resources currently devoted to compliance with the ADA. The money you set aside to install the front elevator is finally being used. However, this administration has deferred the ADA compliance plan while it re-examines space needs. This has languished for too long. Regardless of where the Lexington government may live in the future, every building that the LFUCG owns and occupies today ought to be in compliance with the Americans with Disabilities Act.

The Americans with Disabilities Act also requires employers to make reasonable accommodations for employees who have disabilities, so that they may lead productive lives within the workforce. The law gives jurisdiction to prosecute ADA violations to the Equal Employment Opportunity Commission, an arm of the Federal Justice Department. An employee recently made me aware of his complaint that the LFUCG is not meeting its obligation in this regard. It is my understanding that the administrative appeals have not yet been exhausted, so it is premature to issue findings or make a recommendation at this time. Nonetheless, I recommend that the Commission for Persons with Disabilities examine the current system used by LFUCG to determine what accommodations are reasonable and what functions of a job are essential, with a goal of improving compliance and reducing claims filed against the LFUCG under the ADA.

We presented to you on June 17, 2008 a special report on storm water issues in infill and redevelopment projects. The finding is that the Division of Engineering has not verified compliance with storm water regulations and shifts the burden of proof to adjoining property owners to show that the I/R project is not in compliance. We were encouraged by the discussion that day. Mr. Rayan indicated that, although his office has not sought licensure action against a consulting engineer to date, and has not reviewed plans for compliance with regulations, it does have the authority to do so and would in fact respond to neighbor's complaints. We look forward to an explanation of the process by which Engineering will undertake these matters in the very near future.

We had several outreach activities during this quarter. We received press attention in the Lexington Herald Leader, through publication of an op/ed piece on apology legislation, and also through WTVQ-TV, La Voz de Kentucky and The Key News Journal. Presentations were made to the Joyland Neighborhood Association, the Commission for Persons With Disabilities, The Fayette County Neighborhood Council, Lexington Directions, and the Senior Interns Program. Ms. Campbell is very involved in planning the Minority Business Expo.

Work progresses on hosting the United States Ombudsman Association this Fall. The program is developed and available on line. Several local leaders will be sharing their expertise on government, ethics, civic engagement and dispute resolution. We encourage all to attend and participate, as many of the session will be useful in your professional lives. This conference is a first to offer continuing legal education credit for part of the training, a benefit of the collaborative relationship we have developed with the Administrative Office of the Courts. Already we anticipate that the conference will be attended by ombudsmen from Canada, South Korea, and Great Britain, in addition to all corners of the United States.

WORKFLOW REPORT

INTAKE PER DISTRICT		
Districts:		Totals:
James	1	6
Blues	2	3
DeCamp	3	3
Beard	4	4
Stevens	5	6
Stinnett	6	1
Crosbie	7	3
Myers	8	1
McChord	9	1
Blevins	10	2
Henson	11	3
Lane	12	5
Non-District Related		
13		17
TOTAL INTAKE		55

DEPARTMENT INTAKE TOTALS	
Departments:	Totals:
Council	2
Environmental Quality	3
Finance and Administration	8
General Services	4
Law	1
Mayor's Office	0
Public Safety	17
Public Works & Development	11
Social Services	1
Others:	
Outside Agency	11
State	4
Utilities	0
TOTAL INTAKE ROUTED:	62

The Shaded 3 Departments indicate largest number of intakes received this quarter

* A total of 55 intakes impacted the various department 62 times.

** some intakes may affect several different departments

*** Total number of cases pending at the end of 2nd Quarter = 13 cases pending