Legislative Meeting – November 17, 2026

Floor Amendment to 30.05 Ordinance Prior to Second Reading

Mayor Washington requests the following amendments to:

I. Amend Ordinance 30.05 as follows:

(a) Revise the following language in 30.05 to read as follows:

§ 30.05 ***COMMUNICATIONS BETWEEN CITY COUNCILMEMBERS AND CITY OFFICERS AND EMPLOYEES.*** ***[~~CITY COUNCIL AND SEPARATION OF EXECUTIVE AND LEGISLATIVE AUTHORITY; COMMUNICATIONS WITH CITY OFFICERS AND EMPLOYEES.~~]***

(A) Except as provided in subsection (C), all official communications between individual members of the City Council and department heads shall be conducted exclusively through official City email. The Mayor and City Administrator shall be copied on all such correspondence, including responses.

(B) Members of the City Council may request information from department heads but shall not direct, supervise, assign work to, establish administrative priorities for, or otherwise interfere with the administrative operations of any City department.

(C) Exceptions to the email communication requirement shall include communications occurring during official City Council meetings, emergency situations, communications authorized by the Mayor or City Administrator, and communications otherwise protected by law.

(D) Nothing ~~in~~ in this section shall be construed to restrict the statutory investigative authority of the City Council pursuant to KRS 83A.130 or any other authority expressly granted by law. Nothing in this section shall permit the Mayor to obstruct, deny, or condition the lawful exercise of any authority expressly conferred upon the City Council by statute.

~~[(A) Purpose and separation of powers.~~

~~(1) Pursuant to KRS 83A.130, the executive authority of the City is vested exclusively in the Mayor, and the legislative authority of the City is vested in the City Council. Except as expressly authorized by statute,~~

~~*neither the City Council nor any individual member thereof shall exercise executive or administrative authority.*~~

~~*(2) The Mayor shall have responsibility for the supervision, direction, and administration of City departments, officers, and employees under the Mayor's jurisdiction. No individual member of the City Council shall possess or exercise supervisory, managerial, or administrative authority over such personnel.*~~

~~*(3) This section establishes mandatory procedures governing communications between members of the City Council and City officers and employees for the purpose of preserving the separation of executive and legislative authority, protecting employees from conflicting directives, and ensuring the orderly administration of municipal government.*~~

~~*(B) Prohibition on direct communications with City personnel.*~~

~~*(1) Except as expressly authorized by this section or otherwise required by law, no individual member of the City Council shall directly contact, communicate with, or make inquiries of any City officer, department director, supervisor, employee, or other personnel under the Mayor's jurisdiction concerning the business, operations, administration, personnel, policies, programs, finances, enforcement activities, or other official affairs of the City without first obtaining authorization from the Mayor.*~~

~~*(2) The prohibition established by this subsection shall apply regardless of whether the communication involves a request for information, an inquiry concerning an existing matter, a request for explanation or clarification, a proposed action, or an actual or implied direction to perform or refrain from performing any duty.*~~

~~*(3) Prohibited direct communications shall include, without limitation, personal meetings, telephone calls, electronic mail, text messages, written correspondence, electronic messaging, and communications made through intermediaries or third parties acting at the request or direction of a Council member.*~~

~~*(4) No Council member shall independently request or arrange a meeting, briefing, interview, inspection, departmental visit requiring staff assistance, or other official interaction with City personnel without authorization from the Mayor.*~~

~~*(C) Required communication through the Mayor.*~~

~~*(1) Any individual member of the City Council seeking information, records, clarification, assistance, or other action involving the administration or operations of the City shall submit the request directly to the Mayor in writing.*~~

~~*(2) The Mayor shall determine the appropriate manner of addressing such requests, including whether City personnel shall be directed to provide information, prepare a response, participate in a meeting, or undertake any related administrative activity.*~~

~~*(3) The Mayor may authorize direct communications between a Council member and designated City personnel for a specified purpose. Such authorization shall not confer upon the Council member any authority to supervise personnel, assign work, establish priorities, or direct administrative action.*~~

~~*(4) Any authorization for direct communication shall be limited to the subject matter and purpose approved by the Mayor. Unless otherwise directed by the Mayor, the Mayor or the Mayor's designated representative shall be included in communications conducted pursuant to such authorization.*~~

~~*(5) The Mayor may designate the City Administrator or another appropriate executive officer, by executive order consistent with KRS 83A.130(7), to coordinate requests and communications on the Mayor's behalf.*~~

~~*(6) Nothing in this subsection shall permit the Mayor to obstruct, deny, or condition the lawful exercise of any authority expressly conferred upon the City Council by statute.*~~

~~*(D) Prohibition on administrative interference and work assignments.*~~

~~*(1) No individual Council member shall directly or indirectly:*~~

~~*(a) Direct, order, supervise, or otherwise exercise authority over any City officer or employee under the Mayor's jurisdiction;*~~

~~*(b) Assign work, establish priorities, alter duties, request the performance of a specific administrative task, or direct the use of City personnel or resources;*~~

~~*(c) Interfere with or attempt to influence the hiring, promotion, assignment, evaluation, discipline, suspension, termination, or other personnel actions concerning any City employee, except when exercising authority expressly conferred by law;*~~

~~*(d) Interfere with any administrative investigation, employee grievance, disciplinary proceeding, code enforcement matter, licensing determination, procurement process, or other executive or administrative proceeding;*~~

~~*(e) Direct or attempt to influence the manner in which a City department implements or enforces any ordinance, regulation, administrative policy, or lawful executive directive;*~~

~~*(f) Request that City personnel prepare reports, conduct research, draft documents, provide legal opinions, or perform other work for an individual Council member without authorization from the Mayor; or*~~

~~*(g) Use the Council member's elected position to pressure, threaten, intimidate, or otherwise influence City personnel concerning the performance of their official duties.*~~

~~*(2) A request framed as a suggestion, recommendation, inquiry, or informal communication shall not be exempt from this section when its purpose or reasonably foreseeable effect is to direct or influence the performance of an executive or administrative function.*~~

~~*(3) Nothing in this subsection shall restrict the City Council, acting as a legislative body, from adopting lawful ordinances, municipal orders, appropriations, or other legislative measures within the authority conferred upon it by statute.*~~

~~*(E) Requests for information and reports.*~~

~~*(1) An individual Council member may request information from the Mayor concerning any matter related to City government. Such a request shall not independently authorize the Council member to obtain information directly from City personnel or require personnel to perform work.*~~

~~*(2) The Mayor shall determine the appropriate personnel, manner, and timing of responses to requests made by individual Council members, subject to all duties and obligations imposed by applicable law.*~~

~~*(3) The City Council, acting as a body, may require reports or information in accordance with applicable law, including KRS 83A.130. The Mayor shall coordinate the preparation and submission of such information and shall not withhold information that the City is legally required to provide to the Council.*~~

~~*(4) Whenever practicable and appropriate, information prepared by City personnel in response to an official legislative inquiry may be furnished to all Council members to ensure consistency in the dissemination of information.*~~

~~*(F) Statutory investigative authority of City Council.*~~

~~*(1) Nothing in this section shall limit the authority of the City Council under KRS 83A.130(13) to investigate the activities of City government or require City officers or employees to prepare and submit sworn statements regarding the performance of their official duties.*~~

~~*(2) Where an investigation or sworn statement involves an office, department, or agency under the Mayor's jurisdiction, written notice of the*~~

~~*Council's action shall be provided to the Mayor before the investigation is undertaken or the statement is required, as provided by KRS 83A.130(13).*~~

~~*(3) The Mayor shall have the right to review any such sworn statement before its submission to the Council and to appear personally or through a designee on behalf of any department, office, or agency during an investigation, to the extent provided by statute.*~~

~~*(4) The notice requirement established by this subsection shall not be construed as a requirement that the Mayor approve or consent to a lawfully authorized investigation by City Council. An investigation concerning the Mayor personally shall be governed by the applicable statutory requirements.*~~

~~*(5) No individual Council member shall purport to exercise the investigative authority conferred upon the City Council as a body without appropriate authorization from the Council or other independent authority provided by law.*~~

~~*(G) Communications during official meetings and proceedings.*~~

~~*(1) This section shall not prohibit Council members from questioning City officers or employees who are lawfully appearing before the City Council at a duly convened meeting, hearing, or proceeding, provided such communications are conducted in accordance with applicable law and the established rules of procedure.*~~

~~*(2) The Mayor shall ordinarily coordinate the attendance and participation of City personnel in Council meetings. Nothing herein shall impair the Council's authority to require testimony, sworn statements, or participation in an investigation as expressly authorized by statute.*~~

~~*(3) Questions or statements made by Council members during an official proceeding shall not constitute authorization to direct, supervise, or interfere with the performance of executive or administrative functions.*~~

~~*(H) Statutory rights and other exceptions.*~~

~~*Nothing in this section shall be construed to:*~~

~~*(1) Restrict the right of a Council member, acting in the same capacity as any other eligible person, to request public records from the City's official records custodian pursuant to KRS 61.870 through 61.884;*~~

~~*(2) Prevent the submission of proposed legislation, official notices, meeting materials, or other documents to the City Clerk when such submission is authorized or required by law;*~~

~~*(3) Restrict lawful communications between the City Council and employees or legal counsel independently employed or retained by the Council pursuant to applicable law;*~~

~~*(4) Prevent compliance with a lawful judicial order, subpoena, statutorily authorized investigation, or other compulsory legal process;*~~

~~*(5) Prohibit communications or disclosures protected by applicable federal or state law, including constitutionally protected expression, participation in legally protected complaint procedures, or reports to authorized law enforcement, regulatory, or oversight authorities;*~~

~~*(6) Prevent Council members from receiving constituent complaints, concerns, or requests for assistance, provided that any resulting request for administrative action or staff assistance is directed through the Mayor in accordance with this section;*~~

~~*(7) Prohibit ordinary social, ceremonial, or incidental communications between Council members and City personnel that do not involve the exercise or attempted exercise of official administrative authority or otherwise circumvent the requirements of this section; or*~~

~~*(8) Restrict any power or duty expressly vested in the City Council or an individual Council member by state law.*~~

~~*(I) Obligations of City personnel.*~~

~~*(1) Except as otherwise authorized by this section or applicable law, a City officer or employee receiving a direct request from an individual Council member concerning official City business shall respectfully refer the request to the Mayor or the Mayor's authorized representative.*~~

~~*(2) No City officer or employee shall be required to perform work, disclose nonpublic information, alter an assignment, or undertake administrative action solely because an individual Council member has requested or suggested such action.*~~

~~*(3) Nothing in this section shall require an employee to notify the Mayor before making a communication or disclosure where such notice is prohibited by law or would interfere with legally protected reporting or other rights.*~~

~~*(4) City personnel shall continue to comply with applicable confidentiality obligations, records-retention requirements, personnel policies, collective bargaining agreements, and other governing laws and procedures.*~~

~~*(J) Employee complaints and constituent matters.*~~

~~*(1) Individual Council members shall not undertake, direct, or participate in an administrative investigation or employee grievance proceeding except where expressly authorized by law.*~~

~~*(2) Employee complaints involving employment matters shall be processed in accordance with applicable personnel policies, collective*~~

~~*bargaining agreements, and other governing procedures, without limiting any independent right to make a legally protected report or disclosure.*~~

~~*(3) A Council member receiving a complaint or information concerning possible misconduct shall not independently direct City personnel to investigate or take corrective action. The Council member may refer the matter to the Mayor, an appropriate legally authorized oversight authority, or the City Council for consideration of action within its lawful authority, as appropriate under the circumstances.*~~

~~*(K) Compliance and enforcement.*~~

~~*(1) This section shall be construed to preserve the lawful separation of executive and legislative authority established by KRS 83A.130.*~~

~~*(2) Alleged violations by a Council member may be referred to the City Council for consideration of such action as is lawfully available to the Council. Nothing herein shall authorize the Mayor to discipline or remove an elected Council member or confer powers not otherwise authorized by law.*~~

~~*(3) Notwithstanding § 10.99 of this Code, a violation of this section shall not independently constitute a criminal offense or subject a Council member or City employee to a monetary fine. Nothing herein shall preclude otherwise lawful administrative or employment action consistent with applicable law, contract, and policy.*~~

~~*(4) This section shall not create a private cause of action or alter any right, obligation, or remedy otherwise established by law.]*~~

(b) The amended § 30.05 of the Ordinance will read, in relevant part, as follows:

(A) Except as provided in subsection (C), all official communications between individual members of the City Council and department heads shall be conducted exclusively through official City email. The Mayor and City Administrator shall be copied on all such correspondence, including responses.

(B) Members of the City Council may request information from department heads but shall not direct, supervise, assign work to, establish administrative priorities for, or otherwise interfere with the administrative operations of any City department.

(C) Exceptions to the email communication requirement shall include communications occurring during official City Council meetings, emergency situations, communications authorized by the Mayor or City Administrator, and communications otherwise protected by law.

(D) Nothing in this section shall be construed to restrict the statutory investigative authority of the City Council pursuant to KRS 83A.130 or any other authority expressly granted by law. Nothing in this section shall permit the Mayor to obstruct, deny, or condition the lawful exercise of any authority expressly conferred upon the City Council by statute.

November 17, 2026