

## Amendments Approved by the Citizens of Louisville (Nov 2004)

### **PART 1. SECTION 1-1 OF THE LOUISVILLE CHARTER SHALL BE AMENDED BY THE ADDITION OF THE FOLLOWING SUBSECTIONS, AS FOLLOWS:**

(x) "Agenda-related materials" means the agenda, all reports, correspondence and any other document forwarded to a public body that provide background information or recommendations concerning the subject matter of any agenda item.

(y) "Communications file" means a paper or digital file, organized chronologically and accessible to any person during normal business hours, containing a copy of any letter, memorandum or other public record that the clerk or secretary of the City Council or Planning Commission has distributed to, or sent on behalf of, the Mayor, the chairperson of the Commission, or a quorum of the Council or Commission concerning a matter that has been placed on the Council's or Commission's agenda within the previous thirty days or is scheduled or requested to be placed on the agenda within the next thirty days. The file may, but need not contain, voluminous reports, studies or analyses not created by City officers or employees provided that their omission is noted in the file. Excepted from the file shall be commercial solicitations, agenda-related material, and records excepted from disclosure to the public.

(z) "Public body" means those City public bodies referenced in Section 5-7(f).

(aa) "Substantive discussions" means debate, deliberation or other discussion about the merits, benefits, advantages or disadvantages of any proposed or possible resolution of any issue that will be or may be the subject of formal action by a public body.

### **PART 2. SUBSECTION (O) OF SECTION 1-1 SHALL BE REPEALED AND REPLACED AS FOLLOWS:**

(o) "Posting" or "posted" means placing, in areas accessible by the public, at City Hall, the City Library, the Louisville Recreation Center, and one additional location that is open to the public during hours different from the regular business hours of City Hall.

### **PART 3. THE TITLE OF ARTICLE 4 SHALL BE AMENDED TO READ "CITY GOVERNMENT PROCEDURES."**

### **PART 4. SECTION 4-3 OF THE LOUISVILLE CHARTER SHALL BE REPEALED AND REPLACED AS FOLLOWS:**

#### **Section 4-3. Study Session Meetings.**

(a) The People declare the following policy relating to study sessions:

(1) The purpose of study session meetings is to enable members of a public body to obtain

information about and discuss matters of public business in a less formal atmosphere.

(2) Full debate and deliberations about matters that may be the subject of formal action should occur at formal meetings of the public body to permit members of the public to participate meaningfully in, and to understand the grounds for, any formal action contemplated or taken by the public body.

(b) Each study session meeting of a public body shall be held on at least 72 hours notice to each member of the public body. All study sessions shall be open to the public.

(c) No preliminary or final policy decision, fiscal decision, rule, regulation, resolution, ordinance, action approving a contract, action calling for the payment of money, or other formal action, shall be made or taken at any study session.

(d) At any study session, any member of the public who in good faith believes that a study session is proceeding in violation of subsection (c) of this Section shall be entitled to submit a brief written objection to the official presiding over the study session; the written objection shall specify the ground for the objection. The presiding official shall exercise his or her discretion in determining whether the study session is in compliance with this Section, and shall conduct the study session in accordance with that determination. The City may adopt laws or regulations, consistent with this Section, to prevent the abuse of this subsection (d).

(e) The public body holding a study session shall cause to be made a written summary or other record of each study session within five days after each study session. The summary shall be retained permanently in the records of the City. Any written statement issued under subsection (d) of this Section shall be a part of the summary or record.

(f) Nothing in this Section shall preclude the public body or its members from participating in full discussion, debate and decision-making on procedural matters relating to the conduct of the study session.

### **PART 5. SUBSECTION (B) OF SECTION 4-5 THE LOUISVILLE CHARTER SHALL BE REPEALED AND REPLACED AS FOLLOWS:**

(b) Notice of each non-emergency meeting of the City Council shall be posted in accordance with Section 5-18. Notice of each emergency special meeting shall be posted at least 24 hours in advance of the meeting and shall include specific agenda information to the extent such information is available.

### **PART 6. SECTION 4-5 OF THE LOUISVILLE CHARTER SHALL BE AMENDED BY THE ADDITION OF A NEW SUBSECTION (D), WHICH SHALL PROVIDE AS FOLLOWS:**

(d) All meetings of any public body shall occur in public buildings and public facilities accessible to all members of the public.

**PART 7. THE LOUISVILLE CHARTER SHALL BE AMENDED BY THE ADDITION OF A NEW SECTION 4-16, WHICH SHALL PROVIDE AS FOLLOWS:**

**Section 4-16. Open Government Policy.**

(a) Each Councilmember and each member of a permanent board or commission shall participate in at least one City-sponsored open government-related seminar, workshop or other program at least once every two years. Such program shall provide information on at least these topics relating to municipal government: the theories and policies underlying and laws relating to ethics, open government, open meetings, open records, and promoting citizen participation in municipal government.

(b) The City shall publish and update a pamphlet or other summary of Articles 4 and 5 of this Charter, and other laws relating to citizen participation in municipal government. The pamphlet or summary shall be provided to each member of a public body at its first meeting of the calendar year, and shall be made freely available to citizens on the City's web site, City Hall, City Library and other public places, and at meetings of public bodies.

**PART 8. SECTION 5-5 OF THE LOUISVILLE CHARTER SHALL BE REPEALED AND REPLACED AS FOLLOWS:**

**Section 5-5. Public Records.**

(a) The provisions of this Charter relating to open records shall be liberally construed with State open records laws to promote the prompt disclosure of City records to citizens at no cost or no greater than the actual cost to the City. The City shall strictly construe exceptions provided under the State statutes authorizing certain public records to be exempt from disclosure to the public.

(b) City records shall be open for inspection by any person in accordance with this Charter and the State statutes concerning public records and criminal justice records. To the extent State open records laws or City ordinances conflict with the provisions of this Charter, whichever law provides greater access to City records and less expense to the person requesting the records shall control disclosure by the City.

(c) No fee shall be charged for the inspection of City records.

(d) No fee shall be charged for locating City records and making them available for copying, except that the actual labor cost to the City of locating City records may be charged and a reasonable deposit may be required if the records request seeks voluminous records, or records dating over a period of

two or more years, and locating the records has exceeded two hours. The City may adopt laws or regulations, consistent with the open records policy of this Charter, to prevent the abuse by persons of open records requests.

(e) No photocopy charges shall be assessed for the first 25 pages of City records provided to a requester on a single request, or for electronic records. When electronic records responsive to a request are readily available, the City shall offer to make such records available as an alternative to paper copies. Photocopy charges per page shall not be greater than the City's actual cost. Where requested City records are voluminous, nothing shall prohibit the City from arranging for a private copy service to make the photocopies and requiring the requester to reimburse the City for actual costs paid to the private copy service.

(f) Any letter, memo, map, drawing, plan or other document that is not an agenda-related material or contained in a communications file and that is submitted to the City Council or Planning Commission during a meeting shall be immediately made available to the public either by making copies available to the public at the meeting or by displaying the document at the meeting so that the public can view the document. No discussion or consideration of such a document by the public body shall occur unless the document has been made available to the public as provided in this subsection (f). Whenever feasible, the City shall cause such documents to be displayed so that citizens observing Council or Planning Commission meetings on television can view the documents.

(g) The City shall make available to the public, at least on the City's web site and City Library, agenda-related materials for each public body. If agenda-related materials are unavailable in electronic format, each such item shall be described on the web site. Within one year from the effective date of this Section, the City shall have a plan for making available on the web site all agenda-related materials. The City shall invite public participation in creating the plan.

(h) The City shall make available to the public the City Council's and Planning Commission's communications file.

**PART 9. THE LOUISVILLE CHARTER SHALL BE AMENDED BY THE ADDITION OF A NEW SECTION 5-18, WHICH SHALL PROVIDE AS FOLLOWS:**

**Section 5-18. Notices and Agendas.**

(a) Any meeting of a public body shall be preceded by the posting of a notice of and agenda for the meeting. Except as provided in Section 4-2, the notice and agenda shall be posted, and published on the City's website, no less than 72 hours before the meeting.

(b) The agenda for any non-emergency meeting of a public body shall contain an itemized list of all

subjects on which substantive discussions are reasonably expected or which may be the subject of formal action

(c) No public body shall engage in substantive discussions relating to, or take formal action on, any subject at a non-emergency meeting when that subject was not listed in the agenda for that meeting and is not substantially related to any subject listed in the agenda, provided, however, that the City Council may engage in substantive discussions and take formal action on a matter of public business not on the agenda, upon a finding by the presiding officer that such discussions or action will promote the general welfare of the City, it is important that the matter be acted upon before the next formal City Council meeting, and it would be injurious to the City to await action on the matter until the next formal City Council meeting.

(d) For purposes of this Section, a subject is not substantially related to a subject listed in the agenda when a person reading the agenda before the meeting would not have reasonably expected that the subject would be substantively discussed or formally acted upon at the meeting.

(e) At any non-emergency meeting of a public body, any member of the public who in good faith believes that a meeting is proceeding in violation of subsection (c) of this Section shall be entitled to submit a brief written objection to the official presiding over the meeting; the written objection shall specify the ground for the objection. The presiding official shall exercise his or her discretion in determining whether the meeting is in compliance with this Section, and shall conduct the meeting in accordance with that determination. The written objection shall be retained permanently in the records of the City. The City may adopt laws or regulations, consistent with this Section, to prevent the abuse of this subsection (e).

***PART 10. THE LOUISVILLE CHARTER SHALL BE AMENDED BY THE ADDITION OF A NEW SECTION 16-10, WHICH SHALL PROVIDE AS FOLLOWS:***

**Section 16-10. Charter Amendments.**

To the extent any amendments to this Charter conflict with preexisting or earlier-amended provisions, the later amendments shall be construed to supersede the preexisting or earlier-amended provisions.