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SUIT AGAINST CITY VALID, JUDGE FINDS

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A judge has found some merit in a lawsuit that challenges city contracts with the county clerk and sheriff.

Fayette Circuit Court Judge Rebecca Overstreet overruled a motion to dismiss a lawsuit by a Lexington government watchdog group challenging the contracts.

In their suit filed last fall, Bill Wheeler and Joseph Mellen - who are both members of Citizens for Ethical Government - asked that \$170,000 paid under the contracts to County Clerk Don Blevins and Sheriff Harold Buchignani be returned to the city.

Wheeler and Mellen maintain in the suit that Blevins and Buchignani are paid for work performed by their staffs, which is unconstitutional.

"If the payments under the contracts are in fact going to Sheriff Buchignani personally as the Complaint alleges (and the Defendants have not disputed to this point), the contracts could be found to be unconstitutional ...," Overstreet wrote in the opinion released Monday.

"If Donald Blevins is being paid personally under the contracts for work he took no part in performing, then such payment could be found to violate ... the Kentucky Constitution," the opinion went on to say.

The suit was filed in Fayette Circuit Court against Buchignani, Blevins, Mayor Pam Miller, former Mayor Scotty Baesler and members of previous Urban County Councils, which approved the contracts.

"Obviously, we're pleased by the court's ruling," said **Robert L. Abell**, the attorney representing Wheeler and Mellen. "It appears the court could rule the contracts are unconstitutional."

Blevins' contract, which has since been discontinued, paid him \$18,000 annually to provide auto registration information for the city to collect parking fines on out-of-county vehicles.

Buchignani's contract pays him \$10,000 a year for supervising sheriff's deputies and serving warrants and transporting juvenile prisoners.

The Urban County Council is expected to approve the 1997-98 budget, which includes \$10,000 for Buchignani, at its 7 p.m. meeting tonight in Council Chambers.

The contracts with Blevins and Buchignani were questioned by former state auditor Ben Chandler in March 1995. They were also reviewed by the state attorney general's office which said the clerk and

sheriff could be paid for personal contracts with the city if they actually performed the work.

Susan Straub, the mayor's press secretary, said city officials cannot comment on the opinion because the matter is still in litigation.

The defendants have 10 days to respond to the opinion.

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