

December 16, 2008

## La Grange mayor sues City Council

Property tax cut among issues

*By Andrea Uhde*

*auhde@courier-journal.com*

La Grange Mayor Elsie Carter is suing the City Council, saying members overstepped their authority on three occasions.

In a lawsuit filed Dec. 4 in Oldham Circuit Court, Carter is asking a judge to rule the council's decisions void, including one in which the council voted to reduce the property tax to 20 cents for every \$100 of real property value, down from 22 cents.

Carter said that change will mean about \$149,000 less in property taxes for the city. She said that's a squeeze on the budget, which the council had already approved and which anticipated a 22-cent rate.

In an interview, Carter said that even if the judge rules in her favor, the tax rate will remain 20 cents for every \$100 of property until the next fiscal year.

"So next time they vote on (the tax) they're aware" of its impact on the budget, she said, adding that she tried to explain to them what a rate change would mean to the budget. "It's like they blow it off."

Councilman Jason Taylor said the lawsuit is "frivolous at best."

He said he believes Carter is trying to increase the tax rate, "which is outrageous to me. I think it's baseless, and we'll defend it to the best we can, and aggressively."

He said he hoped the lawsuit would be over soon.

In the suit, Carter also says the council acted without authority when it nominated and approved a resident to the city's ethics commission. According to state law, only the mayor nominates people to the commission, Carter said.

She said she also believes the council acted out of bounds when it voted in October to deny Graham Whatley the city attorney post amid concerns, including that Whatley represented a party in a court case involving the Oldham Planning Valuation Administrator. As of last month, he is no longer involved in the case.

Carter said the council had already approved Whatley and did not have the power to remove him.

Carter said a lawsuit was the quickest way to settle the issue, and she needs an attorney working for the city.

"I figured if we just went on and did (the lawsuit), we'd get an answer," she said.

Taylor, however, said the council believes its decision in October was appropriate. "He was not properly approved," he said, because Whatley was still involved in the court case when the council made the motion to deny him.

The City Council approved Whatley for the part-time position in September but stipulated that he first had to withdraw from the case.

Reporter Andrea Uhde can be reached at (502) 582-4663.

---