

Captioning Transcript of Government Oversight and Audit Committee Meeting -
August 31, 2022

"Brent Ackerson"

All right folks as the regularly scheduled government, oversight, accountability committee.

This meeting is being held pursuant to Kara 61.826 and council rule 5 a. President chambers councilman council Holden, Stewart, councilman Reed. Counselor women dorsi was here. She may be back virtually. We have counseling BLACKWELL counsel and purpose counseling, Fowler, councilman, Fox.

Council Winkler Councilmember, craney, councilman George.

We have a quorum here's we're going to be doing today. Number 1 is a.

The appointment of I don't remember 6 is going to be held.

Talk is going to come talk to us in 2 weeks due to contract negotiations.

That could be today. So that item is going to remain tabled.

We are going to deal with the 3 appointments we have. 1st, then we're gonna move on to the annexation legislation, which is item number 1 and then we'll finish off with that number 2, which we have some speakers on.

And based upon what we hear from the speakers, we're probably going to move to table that item for further discussion based upon what we hear today with that being said, let's start off with item number 3 AP 0, 83022. three zero two two

J. H. the appointment of Jan Horton to the board of Zoning adjustment a term that expires June 30th 2024 is their motion.

"Markus Winkler"

Motion.

"Brent Ackerson"

I'm from enforcement Jackson you had before.

"Althea Jackson"

Out the a Jackson from air fish's office, we are asking for the appointment of Jan Horton to the board of Zoning adjustment. Mr. is a retired psychotherapist. He's at a district 17.

he's had years of experience as he volunteered when he lived in county on planning commission, and the code enforcement board again, he has lived in loyal Jefferson County for 3 years, close to 4 years.

There's, he's here tonight to introduce himself to you all Mr. Horton. Would you please come up and introduce yourself?

"Brent Ackerson"

Mr. bergenfield introduce yourself you have the 4, sir?

"Jan Horton"

Thank you. Thank you. Ms Jackson I was going to thank board for considering my application here for the open spot on the adjustment board. You'll probably have seen my information and resume, but we'll briefly want to tell you that.

I have lived in Portland growing up.

Moving over to bank street, and I circled around, I guess, through South loyal.

And live most of my formative years in downtown levels over. So I'm quite familiar with most all of the areas around the area and I'll be glad to answer any questions you might have.

"Brent Ackerson"

Anyone have any questions or concerns regarding appointment Catherine holding Stewart, you have the format them.

"Amy Holton Stewart"

Um, thank you. I just have a question for you. How important do you feel community input is when a case is brought before the board.

"Jan Horton"

I think it would probably have equal exposure.

As to whatever, and whatever the case may be, whether it be pro or con, or whether their opposition, I think it will be equal.

"Amy Holton Stewart"

And so you use community input to help you make decisions.

"Jan Horton"

Yes. Okay thanks.

"Brent Ackerson"

Hmm. Any other questions or concerns regarding this appointment.

Hearing none, this is an appointment that requires a voice vote all in favor say, aye aye opposition. All right.

Any opposition here? No opposition at passage unanimously. She'll be sent to the consent calendar. Thank you for your service sir.

Thank you appreciate next item on our agenda. I remember for 8083022 the appointment of Douglas open to the landmarks and preservation districts commission a term that expires November. 32,024. is there a motion.

"Donna Purvis"

So moved purvis

"Brent Ackerson"

Some of Adam's profit enforcement Jackson you hit the floor.

"Althea Jackson"

We are asking for the appointment of Douglas open to the landmarks preservation district commission. Mr. Owen is a, has resided in loyal Jefferson County for 23 years. He is in commercial real estate. estate

L. L. is the company he is at a district 16. he has lots of experience. He is also here tonight to introduce himself to the committee and tell a little bit about why he would like to serve.

"Brent Ackerson"

If you want to do it yourself for the record, you had the floor, sir,

"Douglas Owen"

thank you. Ongoing. Um, I'm excited to be about, uh, excuse me excited to be appointed to this committee. I've been involved with the local, real estate, commercial, real estate committee, or. Community for over 23 years. Um, I believe in growth and I believe in smart growth and I believe in adaptive reuse.

"Brent Ackerson"

I was going to be 1 of my questions was being in a commercial real estate business and be on the preservation board sometimes those could be at odds but.

I'm taking this as as you're more of a reuse versus. Tear down

"Douglas Owen"

it depends on the property.

"Brent Ackerson"

Gotcha any questions or concerns. Counseling holiday, you have the floor

"Bill Hollander"

just have 1 question. You said what you believed to do you believe in preservation?

"Douglas Owen"

I do believe in preservation, but I don't believe in. Singular preservation and an, all encompassing preservation. So I do believe in preservation.

But I believe each property has to be evaluated independently on its merits and on. Ability to be preserved, but also to move forward.

"Bill Hollander"

So, among the things we have in the community are preservation districts. I represent several of them. Butcher town, Clifton, do you believe in that kind of presentation when you said, you believe in each individual property?

"Douglas Owen"

So, I think to clarify, I believe strongly in preservation, but I don't believe that it's always. Right to try to preserve something that's falling down that's going to cost 10 times more to preserve it than it would be to move forward. So I am progressive in terms of. Providing whether it's office space residences, how we see it. But, um, I, I do prefer that we leave the properties. That are there, especially our historic properties in place. If possible, but I don't believe that you just say just because it's old, we preserve it. So, I think it has to be evaluated. I think you have to bring in experts. Um, uh, they can tell you whether it's cost effective or not. I don't think because 1 expert comes in and says it's going to cost you twice as much that you should knock it down. But I think it has to be weighed and I think it has to be smart growth. It can't or smart preservation. It just can't be preservation for preservation sake.

"Bill Hollander"

Okay. Again, my comment was just about preservation districts where you have entire districts, and obviously the oh,

"Douglas Owen"

yeah. I do, yeah, absolutely.

"Bill Hollander"

You do think that there are places where that's appropriate Thank you.

"Brent Ackerson"

Thanks any other questions or concerns regarding this appointment counsel read.

"Scott Reed"

Uh, Mr 1, thank you for coming in and you're in my district so good. Good to see you. Um.

I think what you're trying to say is that you prefer a methodical approach.

To whether or not something should be preserved. Because what we've seen here in the past several years, since I've been on council is that we have overturn the decision made by the landmarks commission because. And not enough deliberation was put into whether or not that a particular facility was worth restoring from a fiscal standpoint. So I think that's what you're trying to say.

"Douglas Owen"

Correct? I misunderstood announcements question.

"Scott Reed"

Okay, thank you.

"Brent Ackerson"

Any other questions or concerns.

This is an appointment that requires a voice vote all in favor say, aye. I in opposition in the opposition, that passage unanimously shall be sent to the consent calendar. Mr. everyone Thank you for your service. The next item I want you to be on number 5083022 D. J. or D. G. the re appointment of dorsally Gilbert to the domestic violence prevention coordinating council a term that expires April 26 2025. is there a motion. twenty six two thousand and twenty five is there a motion I am swamped enforcement attractions here the floor

"Althea Jackson"

we are asking for the reappointment of miss dorsally. Gilbert MS Gilbert has lived in loyal Jefferson County for 18 years. She is at a district 10. she has been a great board member, and we are asking for her re. Appointment she is on she is participating virtually tonight so I would ask her to introduce herself to you and to answer any questions that you may have.

"Brent Ackerson"

It's good, but if you introduce yourself with the record, you have the format them.

"Dorislea Gilbert"

Hi, um, thank you. I'm dorsally. Gilbert. I have had the privilege to serve on for the last few years.

Um, before that, when I came on to, I was working at the project as the executive director, and there created a program providing.

A pallet, legal services, survivors of domestic violence and another program training lawyers to do that before that. I had been a prosecutor for 15 years and some of that time I spent in the domestic violence in child abuse unit it is a great honor.

To me, to have been able to serve the community on and I would very much like to continue doing that. Some of the bravest people I've met in my life for people who have survived domestic violence. Unfortunately, not everyone survives it.

And I think our is taking active steps to try to help make our community safer for people who might otherwise be victims of domestic violence.

"Brent Ackerson"

Are there any questions or concerns regarding this appointment hearing none this appointment that requires voice photos in favor? Say, aye. Any opposition, you're in opposition that passage unanimously shall be sent to the calendar miss Gilbert. Thank you for your continued service.

"Dorislee Gilbert"

Thank you may be excused from the remainder of the meeting.

"Brent Ackerson"

You shall met them.
Thank you have a good evening.

"Dorislee Gilbert"

All right bye. Bye

"Brent Ackerson"

next item on our number, 10 dash 240 an ordinance of the local metro council to approve the annexation by the city of St. Matthews of the twin. Brooke subdivision is their motion.
subdivision is their motion

"Donna Purvis"

Some on purpose,

"Brent Ackerson"

the atom is before us, I believe.
Let's see who the sponsor of this is council McCray you the primary sponsor of this Madam I will tend to the floor to you.

"Paula McCraney"

Thank you Mr. chairman. Uh, this is an session request by the neighbors of twin Brooke.
Subdivision they have a home owners Association, and they determine that they wanted to annex annex.
With the city of St Matthews to get the services that St Mathews offers the police fire, the, um, snow plowing and all of the attention that the site Matthews.
City can provide St. Matthews did not go to these.

Homes these 12 homes involved in this exec annexation.
The residents went to St Matthews. I have spoken with Mayor Tony, and I have the facts based on what he has shared with me as far as they're coming to them asking for this annexation.
They want more personalized services, it's 12 homes and 1 little strip of property, and they feel like they could benefit from these services.
Also, there was 1 objection as you will see in the file, that particular resident objected and went to the site, the city of St matthew's meeting and voiced his concern with the property values going up. And that's why he dissented once he spoke and heard back from the city council members at that meeting.
And Mayor tonia explained to him that his taxes would not increase. In fact.
They would decrease how does that happen? Because saint matthew's offers a 40% discount on your taxes.
If you pay within the 1st, month of the billing, if you pay by the end of October St Matthews gives a 40%. forty percent
Discount on your taxes so, when he found out that he would, in fact, be better off with the services that they provide. And in fact, his taxes would go down based on when he pays his taxes.
He sat down in the meeting and said no further.
Disclaimers or approvals with the annexation now.
Having said all of that, I will say to you that I am not a big proponent of annexations.
I don't believe that we should consider annexing every situation that might arise, but with this case, with these 12 homes.
I can understand fully while they would want to annex and I do support their proposal.
Uh, global metro would probably lose a roughly over 4,000 dollars.
That's only an annual.
Taxes for insurance premiums, but if you factor in the police, the fire, the snow plowing and everything that they would have to pour into those homes.
That they don't normally do right now.
It would be more than the 4,000 that they would be losing.
So I am asking my colleagues to support this particular annexation but I do caution us that with every annexation we need to look closely at it and the benefits and the. the
And the negatives towards annexation.

"Brent Ackerson"

Thank you Madam councilman Fox, shared X in the queue.

"mark fox"

You, sir.
Thank you Mr. chair. I've had to look at 2. the since I've been on council, this is the 2nd 1.
And I'll look at him with a very discerning eye and I read the record this morning.
And the record reflects, and I may have read it wrong and it would be maybe an error. But, uh.
It reflects that none of the citizens went to St bathrooms.

That same Matthews went to them, I'll have to look at that or you can pull it up. I don't have the benefit of just take a look for yourself because it did mention the 1 citizen. That opposed it, but the other is largely didn't seem to know about it. Uh, with that being said. 314 has the potential. To do grievous to provide a grievous blow to low Metro. And the ability to finance the services that. But our citizens have come to expect the, uh. Might say this is only 12 hours and that's true. These are. At least the last 2 have been relatively small areas in this one's. A relatively small area, but it's troublesome to me that on the cusp of 314 and not knowing where that's going. That we would go ahead and do ourself a self inflicted gunshot wound. I just don't think that's in our best interest and. You have to look at the area, you represent, ask yourself. Does this benefit the area I represent and in district 13. I have to say, no, and I'm going to be a committee now in Florida now. On this, and any other, uh, annexation that comes through that's not initiated by the citizens. And there's an advance of what the task force looking at House bill 314. Comes back with I just think it's not. Uh, in our best interest to act before we know. The way the legislative action. Certainly doesn't benefit us. 314 does it. And nor does allowing an annexation at this point. So, with that, I thank you. Mr. chair.

"Brent Ackerson"

You spoke a lot of what I was going to say, also announcement Fox and that is, I don't know about the Republicans here, but our Democratic caucus colleagues, we have discussed 314 in depth. And the potential of the loss of revenue, we, as a city already operate on such a tight budgets, there are so many things that we'd like to do better. But financially we've had trouble. Making ends meet to provide the services that we'd like to provide. And the more we consider things like 314 allowing areas to break off and form their own cities. Uh, the reality is those cities will likely be Eastern areas. They're looking to get better services and the rest of the city. Similar to what we've heard here today these people want say, Matthew services because St Madison is offering a little bit better service. The concern then though is we move those property taxes off our roles and onto these other small cities roles, which further tightens our budgets. So, in my opinion, this has always been a slippery slope. The last 1 we did was something like 38,000 was what we lost for the year. This 1 will probably this won't be less, you know, between 4 and 5,000 that we'll lose. But for anyone who said that, any business experience you recognize, you've got to not only. As a business person, calculate your big growth opportunities, you also have to be a counter of how much you're spending on pens and paper and the small items because each 1 of those small items.

Over a period of time, add up to a large line item.
And that's been my concern if we are, you know, when we Ford metro level,
we said, let's be 1 city.
1 city should mean in a perfect world if garbage pickup stinks and and.
The South in, then should stink in the Eastern.
And which gives us a reason to work on the services, but we should rise
and fall as 1 city versus, in my opinion, peeling off going somewhere
else where it might be a better opportunity for those potential
homeowners to have better services.
I don't think that solves the problems for the city. I think it compounds
them. I have been consistently.
A, no vote on annexations, regardless of the size, would it be a large
annexation or in this case? A 12 home annexation.
I'll be a note also, my opinions, these 12 homes should stay within
global and help will will grow as a city versus going elsewhere and us
lose, lose those individuals. So, next to the Council, McCartney, Madam,
you have the floor.

"Paula McCraney"

Thank you Mr. chairman.
My colleague made a very strong point. Insane.
You have to look at your city.
Your district well, who are you representing is a good for your
constituents in this particular regard it is best.
For these 12 homes to be.
With saint mathiew's again, I am not a huge proponent of annexation. I
believe what you said Mr. chairman that we should rise and fall together.
But here's the deal. We're not rising together right now.
If they, these 12 homes were getting the benefit of the services they
deserved, they would not even consider wanting to annex with St Matthews.
Again. These 12 homes would get snowplows.
Their street snow cloud, where they're not getting it now, they would
have less taxes to pay where.
Lower than what they're paying now because of the opportunity to get the
discount.
And also, let it be clear that every resident pays property taxes in
Jefferson County. They will not.
You know, go without paying taxes to Jefferson County.
That will not stop we just won't get their insurance premium taxes. So
let's be clear on that.
And I also want to say that the city of St Matthews did not approach
these.
12 homes, these residents, they, in fact, did go to the city of St
Matthews and ask for annexation. In fact, in speaking with Mayor Tony,
who is the mayor of St.
matthew's he told me that they have never gone to any 1 area or any
resident and.
Sold it, or tried to convince them to index with saint Matthews and on
another note, the city of St Matthews has not raised taxes on their
residence.
In 35 or more years. So I am representing district 7, and the request of
the 12 residents who want to index with saint the city of St Matthews.
And I would hope that my colleagues, despite your. your

A disagreement with annexation or possible 314 I would hope that you would understand that. I am going to bat for my constituents and I am asking for your support in this regard.

If there is another annexation, we'll talk about that in its totality based on the situation at that time but for today.

For the twin brook residents, these 12 homes I am asking for your support, thank you.

"Brent Ackerson"

Catherine BLACKWELL your next in the queue and you have the floor, sir?

"Rick Blackwell"

Make sure I was just confused about, um.

We're, we're getting, um.

Conflicting views about who was the 1 who has.

So do, and don't have that in front of me. So, is it in the record? Do we know that.

"Brent Ackerson"

Can we characters off so to speak to that?

"Travis Fiechter"

I can address that. Travis restarts just the county attorney. So, in the letter from John single, who is the attorney for the city of St Matthews. He indicated that St Matthews was approached by the homeowners in this twin Brooks subdivision.

And requested annexation now, there's substantial back and forth between the city at that time. So.

It's possible that some of that that information may have been.

Misinterpreted but at least according to Mr. Sandler, it was the twin book residents that originally approached St Matthews with the request.

"Brent Ackerson"

Thank you you have any other questions comes from Blackboard. Okay next to accuse customer re customer you have the floor, sir

"Scott Reed"

Thank you. Mr. chair and a question from councilman McCartney. Did you say that the financial impact of metro Louisville would be 4,000 dollars?

"Brent Ackerson"

I believe the report shows about 4,200 dollars annually is what we'd lose in the insurance premium tax and the road fund, because it is 1 street.

"Scott Reed"

Okay, well look, I am of the opinion that just because services in 1 area of the city is not good and it doesn't mean that it should be lousy in other parts of the city as well.

You know, I represent many suburban cities and people move to those cities so that they get so they had the opportunity to pay more for services that hasn't provided well over the past 20 years.

So, um, I'm in favor of this. It's not that much money and I would encourage my colleagues to support it because if somebody wants to pay a little bit extra for better services, I think they should be able to thank you.

"Brent Ackerson"

Customer proxy to execute you hit the floor, sir

"mark fox"

Thank you. Uh, I guess my question is to Mr.

I did not see that letter in the record. Um, what I saw indicated.

That, uh, the residents were were not.

Notify them this, what was the date on that letter? Can you tell me that?

"Travis Fiechter"

So, the letter is on the system, I believe it's the.

1st attachment other than the ordinance itself. So I guess the 2nd attachment, um.

That letter was sent to us on July 27th of 2022.

Which is also the date the 60 days, and the statute runs from.

It's the same document that contains the consent forms as well as the St. matthew's ordinance. It's the very 1st.

Page of that full PDF.

"mark fox"

Okay, thank you. That's all I. infrastructure counsel valid. You're next to the queue and you had the format them.

"Cindi Fowler"

Thank you. Um, so does anyone know is twin Brooks? Is there any other streets in books or is it only this 1 road?

"Paula McCraney"

It's just this what? No, I'm sorry may I address that? Mr chairman?

Customer, can you hear the perfect person to addresses? Yes, the twin brook subdivision is just those 12 homes.

They have a homeowners association,

and they have been trying to manage through fees of the homeowners association and they're not getting very far with those fees because they can't really mandate those.

And so they are really looking for better ways to get service. In their area where they are just totally ignored, just 12 homes dangling in the wind needing a connection to some city services that they are now, not getting. And so, no, there are no other homes associated with the twin group subdivisions.

"Brent Ackerson"

Cancel or any other questions, and I would just say, I believe that if this is a homeowners association, they can mandate the fees. So, if they wanted to provide additional services, they could do those on contract on their own to do those and they can mandate those fees under homeowners association. I believe and. And if someone does not pay the fee, they can put a lean on the house. So. Madam, let me go ahead if you have something to counter that feel free.

"Paula McCraney"

Well, I can just speak from the perspective of twin broke homeowners association and how they have operated and they have not been. Quite able to mandate those, and I can tell you that. Mm. Hmm. They need city services. And they are willing and the 11 who. We're for it, and the 1 guy now who I believe is for, and now that he found out that his taxes would not. In fact, increase that he has an opportunity to have them lower if he pays with. You know, his taxes before the end of October, uh, they're all very excited about the opportunity to index and get these services that they want it to get. In fact, the trash pickup from what I understand. Increase from the company that they were using, whereas it would decrease if they go with St Matthews. So that's just the situation they're in. And I am as their representative trying to assist them in getting the services. So, dessert, thank you.

"Brent Ackerson"

Thank you. Madam councilman Fox. You are next acute and you have the 4, sir?

"mark fox"

Thank you to be clear. I'm not trying to convince any of my colleagues to go with me. I just want you to know I'm going to be a no and where I stand and why, uh. But to follow up on my colleagues. Comment that these residents are dangling in the wind. 30,000 dollars also, Dave and wind plus or -10per cent. I have 1 home rule city and it went default. About a year and a half ago they're trying to reconstitute it now.

But when I gave my mouth and took my seat, it was to represent.
The people in the district 13, and to act always.
In their best interest, and it would be very clear and that's why I'm
going to be a now.
Is a field it's in the best interest of the people that.
Represent California.

"Brent Ackerson"

What are your next since you had the 4 sir

"Bill Hollander"

I just want to clarify something in case. Anybody is watching in the
public. Um.
It is impossible that to be annexed your taxes will go down, you will
continue to pay the county tax rate, and you will then pay a St matthew's
rate. You will also pay the insurance premium rate, which I think is the
same in St.
matthew's as you're currently paying to local Metro and that money will
go from local Metro to St. matthew's, that's the loss of revenue that
we're talking about. Now, it is possible.
And I don't know of the details here. It is possible that what they are
paying privately.
For garbage, pick up and any other kind of service that they are paying
privately for will be will be. They pay more for that privately than they
will pay for taxes to St Mathews.
But I don't want anybody to have the impression that you can be annexed
to a suburban city and pay less taxes. That simply is not possible.
Thank you,

"Brent Ackerson"

thank you for the clarification on that. I know, I'm a smoker who has
said property tax and I should have been saying, I didn't mean, I should
have said insurance premium tax.

"Bill Hollander"

Yeah. And I didn't mean to, I didn't mean to correct you, I just want to
make sure that.
I think there was some reference to this gentleman saying this is going
to.
You know, his taxes will go down his taxes won't go down. Maybe his net
expenses will go down, but not his taxes.

"Brent Ackerson"

I got you castle Macrae ears and execute you. You're the format of.

"Paula McCraney"

Thank you, I think councilman Hollander for that explanation. But but
what I am trying to suggest to you is that.

Twin group, these 12 homes will get a 40% discount and what they were trying to pay, especially with the. The trash company that they're using going up. That what they're paying in expenses today. If they pay their property taxes. Before the end of October they will. Experience lower expenses than they are receiving or having to pay today. Their taxes would be the same their homes will be appraised as as it has always. But as far as the expenses out of their pocket with trying to have city services and them paying on their own at homeowners, not actually paying their. Imposed homeowners fee, they would be better off if they. And X would St Matthews and pay before the end of October their property taxes. I think I think that's it as far as the explanation that I can give again, I have looked at this. I'm serving my constituents. In their request, and as far as any other district, if it's affecting, I don't see that. That would be that much of a difference in these 12 homes moving over to city of St Matthews to get the services they deserve again. I am the district 7 representative, and I am representing twin group today.

"Brent Ackerson"

Seem to what else in the queue this is an ordinance that requires a roll call vote. Madam clerk. Will you open the roll? And also, as we were opening rollout or missed earlier Council, pgt has excused absences day.

"Olivia Bennett"

Committee member purpose.

"Donna Purvis"

Yes, I do

"Olivia Bennett"

remember McCartney.

"Paula McCraney"

Yes

"Olivia Bennett"

do you remember black? Well,

"Rick Blackwell"

yes.

"Olivia Bennett"

Mini member Fox no member Fowler.

"Cindi Fowler"

Yes,

"Olivia Bennett"

I remember Winkler.

"Markus Winkler"

Yes.

"Olivia Bennett"

Committee member Vincent.

And you have 7 years votes, 2 no votes and 2 not voting

"Brent Ackerson"

that matter should be sent to old business.

The next item on our agenda is going to be item number 2.

Oh, Dash 058 days 22 an ordinance amending sections.

21.0221.05210621.99 and little metro code of ordinances, and creating a new section of the liberal metro ordinances, chapter 21 relating to the lobbying of metro officers to have a motion. new section of the liberal metro ordinances chapter twenty one relating to the lobbying of metro officers to have a motion

"Markus Winkler"

Motion on table

"Scott Reed"

2nd.

"Brent Ackerson"

The Atom has been on table is properly before us. Uh.

We are here today, this is councilman ordinance. I'm going to turn the floor to him, but I believe we're here today because councilman Reid has brought in a individual to answer some questions and speak to this. But I want to 1st, hit the floor to council monitor.

"Bill Hollander"

Thanks Mr. chair and I appreciate MS. Hendricks being here. I appreciate the council unread inviting her. Just it's been a while since we talked about this.

I've introduced this ordinance because I think it's a gap in our ethics. Ordinances in the community, when we look at Nashville, Indianapolis, Cincinnati, I could go on and on with cities that are our size. They have some registration and regulation of lobbying.

And so what we've tried to do is to propose something, and, as councilman Reid pointed out, we started out really with looking at the state system. And I think that's why he suggested that we ought to hear from the state about how that's done.

It is, I will say, and I know is going to say this also.

Ms. Hendrix worth the legislative ethics commission. And so where our ordinances among the ways our ordinance is different than the state system is the, the state has entirely different.

Systems for the legislative branch for the for the executive branch, and for the judicial branches, they are totally different. They are totally different lobbying.

Of course, there's no lobbying of judicial branch, but there is lobbying of the executive and legislative and there are different ordinances and different staffs, but I'm looking forward to the questions today and I. Speaker for being here

"Brent Ackerson"

I'm going to turn to the 40. sure.

"Scott Reed"

Yes. Thank you. Mr. chair and 2 councilman hollandaise point. I think that this is something definitely worthwhile.

And I think it's something that, um, in some ways, it's kind of long overdue. The reason that I asked miss a henrick's to come is to show just simply a blueprint in terms of how the state handles this and maybe provide some.

Guidance in terms of.

The cost and the amount of staff overhead that's going to be required and, of course, the 2 systems, uh, are similar, but different. No question about that.

But I think that by her being here will be able to ask some questions and maybe get a little bit more clarity.

In terms of what this is really involving than what we've had in the past, and in my office did send her a list of questions and I don't know, I don't want to be redundant here. Ms. Hendrix and ask you the questions that you already have.

But why don't you go ahead and just take it at this point and introduce yourself and talk a little 2 year the scope of your position and what you do thank you.

292 "Laura Hendrix" (4026914816)

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Thank you, I appreciate it. Um, commissioners and commissioner read in particular and, um, chairman, um, as you said, I'm Laura Hendrix, and I'm the executive director of the legislative ethics commission here here in lovely Frankfurt.

Um, and I've personally I've had this job for about a couple years right before covid. So my predecessor very smartly decided he was going to

retire before Kobe, and I'll never, never forgive him for that. But anyway, but I've.

In legislative, um, in the legislative arena for over 20 years. I also worked for the executive branch ethics commission. When I was a little baby lawyer um, many, many years ago.

So, I have some familiarity with that, and also clerk for, um, William Graham, um, way back when, so, um, have had been a government lawyer all my life for better for better or worse.

Um, as a commissioner read said he did send me some questions and I've tried to just kind of go on and answer them to the best of my.

Ability, um, please stop me if I start rambling or or if you have a question. That's perfectly fine. Um, just, I'll just I'll just try to, you know, address, um, again his questions as asked.

I think the 1st, I was just generally to give kind of a short overview of our commission um, how it's set up why it's set up the way it is, maybe, um, and I'm not sure, you know, people's, um, history, um, or remembering of history or Kentucky's history may be very.

But you may or may not remember that in 993 992 actually, there was an FBI investigation and FBI sting of Kentucky law makers, and lobbyists, um, which was really the, the impetus for not only the passage of our code,

which is the legislative ethics code. But also, the executive branch ethics code, which has some similarities, but some differences as it was mentioned. And then also the requirements that local government such as your own, um.

that local government such as your own um

Enact their own ethics codes. Um, so prior to this wholesale reform, basically, there were, there were no rules. It was kinda like the wild, wild West, um, lobbyists did not have to register.

Legislators could get gifts, um, could get campaign contributions. Um, they wanted on individually, taken on trips, even even some outside the commonwealth. Um.

And given payment for supporting bills, just straight outright, and also, in other subtle ways, I can buy gifts and those types of things.

So, um, after this happened, uh, the general assembly in it in its, um, which I think foresight really looked at the whole system and created this comprehensive code that sets out, um, you know.

Conflicts that what are conflicts of interest what's improper influence? What are things of value and what aren't, um, you know, they prohibited campaign contributions from lobbyists um.

2 legislators and candidates while also requiring, um, that those lobbyists and their employers be registered, and that they report periodically. Um, and that reporting, you know, would would be public. And so, um, and then overall spending that we would track that and report that, um, to the public.

So, hopefully, um, and we think that it has really proved to address many of those issues that brought on Bob trot and, and hopefully means that the public.

And at least have some more.

Um, confidence in in their, in their state government, um, in terms of, you know, what we're talking about in, in legislative land, um, right now, or at least from the past couple past several years consistently, it's been over 20.

20Million dollars per year that is spent, um.

Just for legislative lobbying, um, and so it's important.

At least, I think, and obviously the general assembly thanks to, um, to know who's spending this, um, what the, you know, what people are lobbying on and, and that it's just closed in a timely way.

So, again, the public can look at that and say, okay, well, you know, this person is obviously exercising their rights, you know, their 1st, Amendment rights to go in and speak with legislators. But we want to know how much is being paid for that.

And also, if there are gifts and other things that are, that are occurring.

Spending on receptions, things like that. Um, and this again, this, um, setting this up goes to creating these guardrails so that people know what their obligations are. And then also that they're.

That they're reporting on that, um, and just something else that you may, or may not know um, because of the strength of this, um, of these ethics provisions and drawing those bright lines.

Um, it's, it's notable that no, sitting legislator in Kentucky has been convicted of a felony related to their office since the last passage.

Um, almost 30 years ago, now they have been convicted of other things and and I, you know, I can we can go into the different details, but.

In terms of using their office, they have not been convicted with that unlike many other.

Folks in many other states, and, of course, um, as was mentioned, an executive branch code was also established with with similar requirements.

And again, my, my cohorts there are are very knowledgeable about that and I'm sure they would love to attend and give you any, any information.

They can, um, 1 thing that I wanted to point out that I think is very important in terms of looking at this. Um.

And what I think would be important is that we are an independent agency. Um.

And we while we are part of the legislative branch, um.

Our, um, there our staff meeting me and the 3 other folks and 2 other 3 other part time folks can only be hired and fired by our commission members. So that's that's important.

You know, I, I don't take direction from.

The head of the, the, for example, um, we also have a separate budget, although again, we're, we're a separate agency, but that does come through the legislative branch.

Like I said, we have 4 fulltime staff in 3 part time contract staff. Um, our general fund budget again, I know you all are interested in costs is approximately 567,000 dollars and the majority of that goes to pay staff salaries.

So that's about 450,000 dollars per per year and the rest. fifty thousand dollars per per year and the rest

That goes to, you.

Operating expenses, um, of course we do have an advantage in that. Um, since we are part of the legislative branch, we're.

We utilize their computer services and those types of things, and they don't charge us for those. So.

You know, again, that that that would be a difference with respect with respect to you all, um, we do have a full time executive director, me, full time counsel, and then 22 administrative staff persons.

Um, and again, the commission hires me and has the sole ability to fire me so a legislator can get mad at me. Um, but they can't fire me now collectively. Maybe maybe, who knows they can get rid of our agency. But I think our our commission has headset. headset

And also we're in the law, so that would take, you know, that would take something to to do that um, our 2 administrative staff, um, 1 of 1 of, um, 1 of our ladies has been here since 993 when the code was written. So, obviously, that's that institutional knowledge is great. Um. knowledge is great um

And as I said, I've worked other places, our council has worked for the registry of election finance and another executive agencies. So, obviously, um, what I'm, what I'm saying is it's important to have that. I think to have that governmental experience, um, in terms of the commissions makeup. Um, there are 9 members on the commission. Um, it's a bipartisan commission.

It's required that at least 3 members of the commission be of the minority party. So there will always be a balance. Um.

They're not permitted to be sitting legislators, which is different from. I think every other.

Similar commission in the in the country, except for.

I want to say New Mexico, so I think it was New Mexico the past. But anyway, so 4 are appointed by the speaker for, by the president and then 1 joint appointment, which is approved by the legislative research Commission, which is, um, the, um.

The whole commission that that is leadership, but it cannot be removed from from the commission, except for cause.

Which is a good protection. I have, um, they are paid, uh, uh, 100 dollars a day.

For every meeting may attend, um, and then they're also allowed for 2 other non meeting days. If, if there's if if things come up 2 per month and they also receive expenses.

And again they are called upon monthly. But usually we meet monthly. But sometimes, if we don't have, you know, pressing business, um, the chair will not have that meeting.

Um, so of course, they would sit as a body to adjudicate any complaints that come up to give to give me direction. Obviously.

We report to them as to informal opinions we give out, um, in terms of how do you become 1? You know, you have to be appointed, but they have they have very specific. Um.

Restrictions on, you know, not they can't be an office, or in a political party. They can't give money to the governor governor, gubernatorial slights or candidates for, uh, the legislature. So obviously they want to make that separation.

I mean, these are people who are savvy in the ways of politics. Um, and some of them are for maybe former legislators. We have several of those, uh, several, um.

Former judges, things like that, folks like that, but they are not, you know, currently involved in that political process. So, I, I, again that I think that is very good. Um, and, and and appropriate, because you're gonna be.

Those folks adjudicate, you know, whether or not somebody has acted ethical or not. Um.

In terms of the majority of our day to day work is done through answering really informal questions, um, from legislators lobbyists and employers and also the public about the application of the of the ethics law. These opinions and and our ability to give those in a confidential manner.

Actually, it's it's confidential, um, are really the key, I think, to any practical application of again, a good ethics code again from my this is just my perspective. Um, and ensuring that people, you know, daily know what's expected to them.

And I, and I know that again, my compatriots over there in the executive branch, um, also give give good advice as well. So, um, I look back at our, um, we do annual reports last year. I think we did over 500. um.
um

And again, um, those are confidential. These are again, it's it's the whole idea is to.

Hopefully get people before they're about to, you know, follow a whole drama ditch, you know, call us, and they know that we will be responsive and we, and they can rely on our advice. Now. Now, this is staff advice. Now if, if if.

I always take the we always take those to the commission as a whole, and they have the ability always, because they're, they're the bosses. They're the bosses of me.

They get to say, well, you know, that's that's not what we think, and we can they can change it or if the person disagrees, which, you know, sometimes that happens and, you know, I'm not gonna I'm, I'm wrong. Um, but they can ask the commission for it.

And a formal opinion, um, essentially appealing, man, although that that doesn't happen very often but, you know, that's that's fine, too. If people.

Know from the outset, they want a formal opinion. Of course, we have those and those are, um.

Put on our website and you can, if you go on our website dot, if you can see those, um.

And those are helpful also, but it's always best to call us. Um, another focus I think that is really important is, um.

Education again, you know, talking with folks, but also the fact that.

Our legislators your state legislators must have training every year it's required in the law.

Um, so it's 2 hours um, W, when the session starts and then new legislators also have to have additional training, um, 2 hour training once they become legislators. So that's in December, you know, after they're elected.

Um, you know, I just like leadership has always been, um, I mean, it's not a.

You know, a thing where they're like, oh, you can skip it or oh, it's not important. No, they, they are are instrumental in getting people there.

And and drawing people's attention to it, which we, we very much appreciate. Um, and also failure to attend is actually an ethics violation itself. And.

Folks have been asked to come before the commission to explain why they haven't attended, or of course, we give them, you know, additional shots to to get the tape and make sure they do it.

But, anyway, um, we also view or view our role in terms of legislative staff. Very, um, it's they are very important. They're the 1st, line of defense. So we train them.

We also train lobbyists, although it's not required that they take training unlike the legislators. Um, but we do.

We do train them every year. Um, and we also have put our our training on our website.

So, if people, you know, just want to, I mean, they're having trouble fall asleep, or actually, it has been very helpful, especially during covid for new people to go to be able to do that where we weren't able to train 1 on 1. um, so.

Let's see, we also publish an ethics reporter, which I'd be happy to send you all that's been published every every month since, I think, the early 2 thousand's and it points out, you know, things we're doing but also things around other states, I try to cover.

You know, where there issues, um, scandals, maybe in other other states, other cities, things like that. Um.

So, in terms of lobbyists, and again, I'm just kind of rambling, um, but in the last fiscal year. So, um, well, I'm sorry, let me back up.

Legislators obviously have to file financial disclosures and I realize, I believe you all do too. Um, in the last full fiscal year, we handled.

Um, 319, financial disclosure filings, so that's 138 legislators plus the remainder, um, would be legislative candidates and and then legislative.

What's called? Major management personnel also file with us.

Um, so we placed the legislators and candidates forms on on our website immediately.

Once we, once we go through and make make sure that everything is is correct and we do go back if they omit things and have asked them to, you know. and have asked them to you know

To fill that in and they're always they're very good about that. Um, so those are available now on our website. You know, anybody wants to go look, um, in terms of the lobbyists and the employers. Um, and again, this kind of gets to.

Maybe something that you all might do. Um, we do initial registration and then we also have the, um, lobbyists and and, and legislative agents.

Would have to file 6 times a year.

Their updated expenditure reporting and that mirrors really the legislative session. So, if you think about, you know, usually.

January through April, so we're, you're reporting every month and then we have a gap during the summer. So the next 1 is September 15 and then the next 1 is until January.

So, and I, you know, I confess to not knowing a whole lot about, um, council business and, and I think you all pretty much go all the time.

So, anyway, ours is driven by the legislative session. In other words.

Um, you know, it we also, um.

So and that, and actually that's 661.

I think all, we're interested in this too. That's right now we have 661, legislative agents.

Of course, may may, um, lobby for different employers, you know, some of them have a a big stable. Some of them just lobby for 1 more group. Um, and then we have 840 registered employers right now.

So, and then every 2 years, everyone must re, register.

So, that's that's obviously a big process. And we, we all, we do have a, uh, database, we have an online filing system so that people are able to go in. And, um.

You know, file online, and actually we were getting most people and it's not required. It's not mandatory. But, um, actually.

During covid, or when, um, we made a big push, obviously, not wanting to have a lot of people walking in with papers and things. We did a big push to have people, um, file online and right now, I think we're at 95%.

We still have some holdouts, some people who prefer to file by paper, you know, we deal with that. So that's, um, so that's fine. Um. fine um You know, we also are able to.

The good thing about that too, is, is our database is also able to.

Spit that out in terms of, um, disclosure to the public. So if you go on our Web site, you can type in.

Hendricks, if I were lobbyist, and I was say, I had lobbied since 993, you could pull up every, um, you know, every expenditure I've ever had all the compensation I'd ever had for all those years.

And, and we feel like that's a good way to again. Have disclosure for the public, um. for the public um

You know, it's also very easy to use. We're also in the process of and this is again something that helps us with there in the process of helping us update that, um.

And I think all the other, the other important thing, too is we've got to keep that up to date because.

If you're a lobbyist, you know, obviously there's things you can and can't do with respect to legislators. Right? And if you're a legislator, you don't want to take a cup of coffee from.

You know, lobbyists, because she can't do that in most cases. Um, so that's key to, to again, making sure, you know, if you're restricting the interactions with people that you do, have some type of, um.

Up to date, um, database or or system where where people know that um, and again, it's, it's also required in our law that we, um.

It doesn't say daily, but it, it talks about sending it out and weekly during, um.

During the sessions, but actually, it's it's real time, you know, we, we have just that has been our practice and and obviously it, it works really well or they can just call us.

You know, and that happens too. So, again, that that's important to make sure that people know who they're dealing with and and who they're interacting with.

Um, we also now have a public public report of bill that shows the bills that lobbyists are lobbying on.

We've we were able to we, we've well, I'm not sure when when they were, I think it, they've always had to do that, but we've just now been able to capture that.

And we, we have put that on our website. So that's another way that the the public can know again. Who's who's locked. I mean, we know who's logging. But what are they logging on? You mentioned 11 bill? Well, you could go in there now and see.

You know, who who was logging on on on legislation. Um, so all that's to say, um, in terms of staffing, you know, staffing up or changing, um.

You know, the 5 things I was thinking of was, you know, that independent.

That independent agency and staff, you know, you wouldn't want to have.

Folks who are under people who you.

Regulating, I mean, that just kind of is common sense. Um, and I think that's been key to our success, um, or this agency success. Really um. Yeah, can I ask a question about that? Do you mind if I interrupt? No, go ahead.

Hear myself talk so thank God. No, that's all right.

"Brent Ackerson"

Well, 2nd, my 1st question is, do you also monitor the the governor's office?

"Laura Hendrix"

So, we don't monitor the governor's office, but a definition of a lobbyist is somebody if, if they are also trying to get somebody to veto something, they would have to.

They would have to register, but but in terms of monitoring who lobbies the governor? No, that's the that's the.

Executive Branch ethics does that make sense?

"Brent Ackerson"

So he has a counterpart for the executive branch?

"Laura Hendrix"

Yes.

"Brent Ackerson"

Okay.

"Laura Hendrix"

Yes,

"Brent Ackerson"

because we're looking at with the Lord is here as we're looking at an audience that would encompass.

Metro Council staff, which is the legislative body it would account it would encompass the mayor's office, the administrative body, and it would encompass a number of county offices.

Also, the county Attorney's office, the sheriff's office, a number of county offices, and we have a situation where it would be under this ordinance. It would go to the local.

Metro ethics commission would be handling it. Now, the ethics commission is an independent board, appoint the members are nominated by the mayor's office and approved by this council. So they so they, in a way.

Do do answer earlier I think you were talking about the independence, uh. Yeah, they do answer to to this body and they do answer to the mayor's office who appoints to them.

And then we've got a situation where the staff for the ethics commission is chosen by the Metro.

Governments HR departments, so they answer to the mayor.
The metro ethics commission does have independent counsel, but I'm unclear at the moment, if that council is chosen by the ethics commission themselves, or if that council is chosen by the mayor's office or the county Attorney's office, if it's chosen by the mayor's office, the county Attorney's office that council would be subject to essentially.
Some sort of employment oversight, uh.
By folks that it's regulating, does that give you cause for pause?

"Laura Hendrix

Well, I mean, obviously it's a policy determination and I don't I don't want to speak to to that. Um, the only thing I would say about our commission again is.

Yes, we, we somebody still has to appoint people.

Um, but I think if you're looking at, um, the power of removal, I think that inflates folks.

Um, again, it it seems to work well, for us.

To to have me again answerable to that body.

Again it in the grand scheme of things, you know, if they, if they took away our budget, well, we wouldn't exist.

But, in terms of the day to day interactions.

I think that independence is good. I mean, it can be a little bit scary. I'm sure. For for elected officials, I think oh, there's just this group out here. On the other hand then you get I think you might get.

Advice that it's not, you know, subject to other pressures.

Does that does that answer your question again? You know, and the other thing I wanted to say too is since you all are a city and.

Unlike us where we, we have, you know, separation of powers, and, you know, we're over here in the legislature.

I would, I would think that talking to other cities it, but it sounded like you all have already done that but talking to cities who have that kind of set up.

Um, maybe very instructive too, because there might be good there. There are probably really good ideas on how to how to set that up. But I do I, I.

For me that independents does help us to.

Again, give, em, give them good advice, you know, and not be colored by oh, you know.

Any other considerations, but but that's, you know.

Again, it depends on, you know, what, what you're what you're.

Particular thing is, um.

I wanted to say, too, in terms of staff, you know.

It I know I, I think what I heard was that.

Like, part you have part time staff um, I mean, this.

Having folks who are dedicated to the administrator process, or at least 1 or 1 person, and then somebody who can answer these questions.

Again, that's that's a workflow question, but I know for us, you know, we, we.

Were able to give a lot of information to the public and also to.

You know, to implement the law to enforce the law, because we have both of those things. So any, any.

Regime or any set up that you all do would we really need to look at that? Um.

Also requiring training again that would that would also be a, my advice, you know, I know legislators don't necessarily like to have it. Um, but but staffer kind of used to it. Um.

You've got to train people I mean, if you don't have the education in the training, then it's not it's, it's not going to work and to a good database and a website. And again, your staffing just has to reflect that goal. Um.

Of making, you know, 2 of also making that information accessible to the public.

And, you know, to my mind, it should it, you know, that's the ultimate goal is to make sure that people are comfortable and they know what's out there, um, in terms of move on to the, the versions of the of the bill of the ordinance. Sorry.

I'm I'm used to call on things bills. Um, and and I think you all had asked me to kind of talk about some similarities and differences. Maybe. So many of the, the definitions appear to track our law um, in kara's chapter 6. um, which is.

Legislative, which defines lobbying and talks about registration of lobbyists and things like that. Um, but.

You may want to look at chapter 11 0 A, because again for things and you'd ask some questions about this too as well for the executive branch. Executive branchy functions, like branch licensure, which the legislative branch doesn't deal with. Um.

You probably need to get more more input from them on how that, on how that should look if that makes sense. Um, in terms of I know.

The, at least the, the part of it are the, uh, sorry the draft that I saw doesn't have a registration fee. That's different from us. We, we charge 250 dollars, um, per employer.

So they could have, I guess, an infinite amount of lobbyists for that 250 dollars. And I know executive branch does 500 dollars. know executive branch does five hundred dollars

So, just if Y, um.

So, certainly not having a fee would.

Encourage people to register I think I mean, certainly, it would remove the.

That obstacle or that argument. Um, but it also removes it as a source of revenue. Now for me.

I am happy that we don't have to depend on phase. I, I think that certainly for your stability, um, and appropriation to, you know.

Do whatever the commission wants to do, and the staff is obviously more more stable.

But, anyway that that's 1 of the differences in that, we do charge that. Um, and then every year, every 2 years, when we re, register, or when re, registration is required, um, we, we charge that for the employers. So, um.

Let's see, I also noted that. Okay, so you're, you're all, um, would only would require reporting, um.

Spending and and legislative activity twice a year again, it's a policy choice, ours and 6 times a year, because it coincides with how the legislative session goes.

Um, again, it, it's dependent on what, you know, what you all feel would be most, most transparent and most helpful.

Um, now, 1 of the major differences that I did want to point out in terms of our, our law, um, is the 50 dollars like, okay, it would say that employers are lobbyists would be able to give a gift. Or a thing of value of less than 50 dollars to metro officer or employee, and then there was a section about inviting the whole metro Council. And then they could be offered more than 50 dollars. I think I think I read that. Right? Um, well, the, of course, our, our law. Initially had a 100 dollar food and beverage. And and 2012.

And really, it became kind of an administrative nightmare from what I understand from, um.

From our for my predecessor and really it, it's, um.

You know, from a from administrative standpoint, and also for reporting. And also people, I mean, the, the general sense was that it undermine public confidence because if people knew that legislators could have 100 dollars of food and beverages.

When legislators were also getting allowances for their for their expenses, which.

You know, in theory would have that built in it was hard to justify that. So, when they, they did some reforms in 2014, they instituted the no cup of coffee rule. Now that's not to say that people still can't get food and beverage in communal settings.

And then that's a little bit similar to what you were talking about here if a committee is invited or things like that. And and there are specific, um, exceptions, um, caucuses and. um caucuses and And actually, if it if I mean, this is a little weird, but if a, if an individual legislators invited.

To an event by lobbyist, um.

And they get permission of their of their presiding officer, then they can go to an event. Um, but it has to be an event. It can't just be, you know, going out to dinner and their individual name is reported. So that's a little wrinkle.

So, all that is to say that that's very that is different from ours. Um, again.

That's a policy choice, not for me to say, but I, I will let, you know that, in terms of administration, though, tracking that.

Apparently was a, a, a real was an issue, so.

Um, and and 2 there may be oh, and, uh.

With respect to staff getting gifts. Now I, I again, it's been a while since I've been an executive branch ethics land, but I believe they still have a 25 dollar gift. Um.

Men are allowance, so you, you might want to talk to them in there and there are different reasons why that that may be. Okay. Um.

For staff as opposed to elected.

Um, again that, you know.

Public confidence and and things like that. So, or it may be the same I don't know. I'm just telling you, it's, it's, um, you know, there are some differences. Oh, the, and the only other thing that that I, um, again, I know this is the drafting is in process too.

I noticed that, like 21 or 2 had a reasonable hosting exemption. exemption

Um, obviously, that would need to be changed if you did different gift things. What 1 thing, too is, um.

You know, you might wanna look at, um.

Again, how the, how rather than, um.

You know, limiting, um.

Well, anyway, you may want to look at our again, our list of what's.

What's something of value and what isn't something of value? For example there are other exceptions that I don't think are reflected.

In here that there are in our law, for example.

Um, promotional items and, um.

Parameter of tokens like, if you go speak, you can get a 1 of less than 150 dollars. So that might account for some of again. Some things that might.

You might think are permissible so, um.

And, yeah, oh, and the other thing that you all had asked about was, um, the ordinance.

Um, at least, I think, in some versions either did, or didn't restrict, um, campaign contributions that's also a big a big part of our law that, um.

That legislative agents lobbyists cannot give campaign contributions to legislators. Um.

And again, it takes, it wants to draw, I mean, they wanted to draw that bright line. So that lobbyists who paid to advocate.

Don't also give, um, and and in some ways, make that contingent that action on, you know.

On whether or not a legislator gets gets a contribution from them. Um, now, lobbyists can still give to packs.

They can still give 2 political parties, but they can't earmark that in any way. Um.

And they also can't solicit for those legislators or legislative candidates. Um.

Now, employers, you know, again, employers that are registered and packs also are not allowed to give donations to legislators or candidates during the regular legislative session.

But after that's over, then they are allowed to do whatever is permitted by the, um, came in finance laws. So that is a difference. And and again, I know you all have.

Again, but it's a policy choice. Um, so, but that, that is what ours, what our says, um.

You also asked, I guess about other concerns and recommendations again I would I really point you to other cities. Um, Kobo. I don't know if you're aware of the Council on governmental ethics laws.

It's a consortium group, and they, they have a lot of good information. Um.

I wonder if the league of cities, I think used to have an ethics center or an ethic ethics person who who was good at that and I, the, the name is blanking on me right now.

Um, again the 50 dollars might have tracking and and.

Competence type issues, but but I'll.

Particularly the campaign donation part of it.

Um, has gone a long way, at least for for the legislature, I think to ensure that policy decisions and political campaigns are.

Separate, um, but again, it's a policy choice. Oh, and 11 other thing I did, I did notice, um.

And again, it's I know it's all, um, in process, but.

In terms of, um, I think your provision 1 of the provisions said that a formal open records request had to be filed for filed statements.

Again, we, we are our law says that once we get it, it's it's public, so we, we.

Put it up on our website. Um, so there's that.

And then there was 1 other drafting thing that talked about, um, exempting when you're talking about what a legislator or sorry who.

Who lobbyist is, um, in terms of this direct communication.

Um, which is also a term of our bits in our law. Um, you exempt communications from lobbyists that are solicited by a metro officer or staffer.

I, I mean, again, I'm just pointing this out the law in particular is not really concerned about who initiated or solicited communications. It just refers to direct communication. I mean, my.

Again, this is just my opinion. Um, you know, does it matter who initiates communication? I mean, if the communication is there and the lobbyist is paid, that's again, that's the kicker. That's the.

That's the thing then, you know.

That would seem to be the hook, but again.

That's that's just something I noticed. Um.

So, I'm trying to think, um.

In terms of okay, you all had talked about getting and extending the lobbyist. Um.

Restriction or saying that folks couldn't, um, give course lobbyists can volunteer for other, you know, they can volunteer otherwise for campaigns. I mean, they have their 1st Amendment rights. They obviously have their voting rights.

They can walk neighborhoods they can just display signs, um, endorsed candidates. But again, they just, they, they can't.

You know, give that contribution, and they can't solicit for others. And frankly, um.

The the logging community, at least, um.

And so far as, you know, they've, they've relied this to us.

Are have been in favor of that, because it really it really protects them from people coming to them and and trying to get donations. So, um.

Okay, let's see in terms of, um.

The ordinance applying to again to lobby is.

Are other folks, um.

You know, how, how is that? How's that been an issue for us? Well, in terms of.

Um, of course, we've our, our law has been around since 993. so I think people are used to the ideathat that this activity is regulated.

Um, and that it is reported and then it is, it is, um, it should be transparent to the public because they. the public because they

You know, people want to know, um.

You know, they want to be able to petition their government, which is great.

And there's nothing wrong with lobbying. Um, but on the other hand, they want to make sure that, um.

There's a public interest in, in disclosing that and, and making sure that, um, obviously the legislators, um, are are acting on the basis of, of, um.

You know, or their own, like, I believe 1 of you all said, um.

So, you know, if if.

If the lobbyists are known to the people who are making the decisions.

And, you know, the public sees that, I mean, it's transparent.

Well, then, you know, everybody knows how the decisions are being made in, in essence.

Um, you know, I think too, it also protects against.

Not only corruption, but the appearance of corruption, um, and and 2 having those lines, those bright lines also protect, um, legislators and staff really from, from allegations of of quote, unethical conduct.

You know, WH, which can if you if you set up a bright line, it's a lot easier to to enforce that. And also to show that you being ethical.

Um, I think there was another, there was another question you all sent about, or or asked about grants, um, from council members, which obviously is a, a lot different from what.

State legislators do, um.

Now, if you look at our ethics law, it talks about legislative interest and legislative matters.

Again, it would depend on how that's drafted. Now. I will, I would point you to, um.

To, uh, again to the led to the executive branch.

Um, ethics commission, because I do think.

If I were and I looked this up, but I didn't, I didn't get far into it. I think that it does include grant is doing business with the state. So.

You know, long story short, you want to check with them to see if if that would be something. Now, I know that.

The executive branch, or sorry, employees can't take gifts from folks who are seeking grants, but I don't think that qualified.

It might not necessarily qualify them as being a lobbyist, but it's I think it's just a general provision.

So another question you already asked, and again, I'm just trying to go through these, um, was whether, um, you know, folks who have a rare interaction.

Might have problems, um, understanding, or knowing about the law um.

Again, that would be on I mean, I view that in terms of.

A commission or staff, that's our job. I mean, we, we would need to educate people, um, in our system too. It's also on the legislators in staff.

I mean, other staff, legislative staff to know what the law is. And, as I said, they're required to take the training, you know, they're again, they're, they're all very engaged in that. We get lots of questions though, because they, they do, you know, they, they.

Want to do the right thing. So they are very quick to ask. Look is somebody registered. Um, so obviously education of of legislators and staff.

Or key, um, and also to.

What I said about before with the, um, informal opinion process, confidential opinions, you know, we again, we get those questions all the time. Do I have to register? Well, you know, let's go through and and see if you do, um.

So, but in terms of specific questions about, you know.

Would a constituent have to register again through our law unless they're paid? No. Um.

You know, if you're talking about somebody who just deals with their own own land, and they're not a corporation, I wouldn't think so. But again, that's a legal. That would be a legal determination. Um.

Also we do, and this is a little bit separate, but we do have a section in the law that talks about.

The legislators proper role in assisting constituents and how they're not supposed to, you know, improperly.

Influence or try to influence the agency, but, you know, they have a role obviously getting information, you know, because that's that's a legislative role. So, and that's that's Kara 6.704. if you wanted to look at that. Um.

Let's see. Oh, you had asked okay how many agents and groups um.

Does the legislative ethics commission, um, have as lobbyists, as I said it, it's 661 lobbyists right now. Um, and 840.

Registered employers, and then I, I did check with the, the executive branch ethics commission, and they currently have 729 lobbyists and 70,704 employers or real parties. And interest is is another term they use. So that's. interest is is another term they use so that's

You know, that's the general, um, that's the layout on that. You'd also ask them again. Um, hopefully I'm getting to the end of this.

Um, this last question, um, how many cases and complaints.

Our filed and about how long does it take? Um, in terms of actual file complaints? Um, we, we don't have as many, um.

Some years in general, I don't think we have as many actual file complaints because we're able to keep the number of formal ones down.

Because we have informal opinions, I mean, most people.

Ask us 1st, and they really want to know, you know, is this is this an issue or isn't it? Um, and they can, and they can.

You know, come to us at any time. Um, also in terms of, um, following disclosures and financial reports.

It used to be that that would have to go through the formal complaint process, but as of.

I want to say early 2, thousand's. Um, now the staff can can assess funds and, um, do the enforcement on that. So, that takes that out of that process.

Now, if it's if it's aggregious or persistent failure, failure to file, then our enforcement council can file a complaint. But generally that's not, um, not necessary to do.

So, that being said we did have in the last in our last fiscal year report, we did have 4, um, formal complaints.

All of them happened to be dismissed by the commission. Um, and we had 4,000 dollars in funds in terms of an average time. I mean, you know, a lot depends on the complexity.

If it's, it's if it's a case that and the commission has the ability to dismiss something that, you know, doesn't rise to the level of a, you know, either it's, it's not in our not in their jurisdiction or anything like that. Obviously they're going to dismiss it. it

Rather quickly, um, from 1 then requires investigation again, it just depends on, you know, the scope. I mean, it can take a couple of months, or it can take up to here. In fact, when we, we had a couple of.

Um, sexual harassment investigations, and that process, you know, could take.

To take up to you or more, it just depends on the complexity of it. Um.

Again, I'm sure you're tired of hearing we talk. So I want again. I wanted to go through these questions as much as I could to kind of give you that upfront and we welcome any any questions or.

Anything I can help you all with Ronald.

"Brent Ackerson"

I believe you had some questions you have a voicer.

"Bill Hollander"

Thank you very much. I just have a couple of questions. Thank you. Um. Hendricks 1st of all, I want to make clear, I think.

That when you talk about the budget that you have, this is the budget for everything, the legislative ethics commission does so you've talked about sexual harassment cases, you've talked about everything that the commission does.

I presume that a very small percentage of that money is spent on lobbyist registration issues.

"Laura Hendrix"

Well, in terms of.

I would say at least 2 of our staff, that's a lot of their job.

Okay, so, um, so in terms of.

"Bill Hollander"

Getting getting those, uh, reporting.

You know, getting the documents done. Yeah. Getting getting that done and checking them and making sure that everybody is in for any given time.

That is that is a lot of time. Um.

But again, that that's that's what they're, that's what they're tasked to do. So.

"Bill Hollander"

Okay, do you can you would you say most of what you do.

Is connected with the lobbyist registration.

"Laura Hendrix"

No, not not in terms of obviously the, the nuts and bolts of it the day to day. But if, if there's a, if there's a legal question that comes up.

Yeah, I would, I would deal with that or our council would. Okay if that makes sense what do you do in terms of?

"Bill Hollander"

We have talked to other cities uh, as I said, Indianapolis, national Cincinnati and questions come up in this committee before about validating forms. I mean, what what do you do in terms of validating forms? You don't you don't.

You don't check to see that yes, they've listed every bill that they might be working on. I mean, you're accepting what people say about that kind of thing, right?

"Laura Hendrix"

Well, okay, so if you're talking about lobbyists and and how they fill the forms out.
Now, if they and that would, that would be a good question for for a long time, uh, um, following person but our system requires them to fill everything out.
So, yes, you, you, you fill everything out and you have to disclose all the information that's that's required. Um.
But they do look, I mean, our staff look at every filing, and if there's if there's something that, that is not.
I mean, some of the the system will kick out.
Okay, but some of it, um.
For example, if somebody, uh, backup, we know for example, we know when legislators have, um, or these lobbyists have these, um, events, because they're publicized. Okay.
They, they have to invite certain amounts. So we keep a list. So if.
If we there is a certain amount of looking at that and making sure that.
Okay, well, I know that.
Ex, lobbying group had this and and it's not.
It's not listed. Okay, so that takes people to.
To look at it and and keep up with, um, you know, what's what's going on.
So, again, it helps to have a good database that picks up on those things and won't let you skip over.
You know, the, the, the things that you're required to do, but it also takes obviously people and frankly, you know, I read the news and if if I see.
You know, something that's.
You know, somebody has had some event and and it hasn't come through.
Then I'll flag that and we'll we'll just.
We'll, um, ask them to, you know, you know.
Do their redo their forms.

"Bill Hollander"

Yeah, okay so there's been some discussion and some legitimate concern about, you know, what this, how this might affect.
Grassroots groups, and I've got a couple of questions about this. There's been a 1 proposal is that an association or a coalition, or a public interest entity wouldn't be covered unless they had a budget of more than a 1Million dollars.
Does the state have any, any position in the law, any, anything in the state law that says if you have a certain size.
As an employer you have to register, if you're below that you don't.
Differentiating between size of entities.

"Laura Hendrix"

No, and it doesn't differentiate between.
Pipes not nonprofits or for profit. Nothing like that. I mean, again, it's.
You know, are you engaging paying.
That's that's another key thing. Are you paying somebody to.

Directly communicate, go talk with legislators on behalf of your agents and then and then, of course, there are other. There are some other, um, exceptions for. Folks who, you know, do that as part of their agency or college or, you know, governmental entity. Um, but to your point, no, there's not a. Um, there's not a. Cap or a, you know, a level that you'd have to go over and I don't know if that's how other. Maybe other states do that. I'm not sure. Um, just 1 more question about grassroots.

"Bill Hollander"

Every time I've been to Frankfurt that annex has been quite busy with people who are grassroots lobbyists who are meeting with our legislators. And they are, of course, not covered if they're not being paid and they wouldn't be covered in this legislation. Do you see that people are inhibited from coming to Frankfurt to express their opinion? Because of this ethnic flaw?

"Laura Hendrix"

I mean, I don't, I mean, that's of course a value judgment. Um, I don't, I don't think so. Um, I, I mean, I, I see, I mean, I, I used to work at where we're out in a different place, but, yeah, I mean, there are lots of people who come and and are still. Expressing their 1st Amendment rights, um. And obviously, lobbyists have 1st Amendment right? You know, employers have those 2. um, it's not like they, they lose those. This is just a, a way to, um. You know, I'm sure that that's tracked and that's reported. Um, but, no, I mean, and the thing is, if, if a. You know, if a group again is not paying somebody to lobby, they can. You know, put things out and say, hey, if you have time, go down and talk to your legislator, I mean, you're not paying anybody to do that. Um. You know, I don't, I don't see that as a, as an issue, but just 1 final question. Sure.

"Bill Hollander"

And the, the ordinance, the draft current draft of the ordinance says that the registration requirements would take effect within 6 months, I think, after after its passage. And the idea is that we educate people about what registration is who has to register all that sort of thing. Some of the other regulations would take effect immediately, including the revolving door. So the metro office. There's at least certain metro officers, and certainly all electeds would not be able to become lobbyists immediately after leaving. Office is that that's also true in the general assembly in the, in the statue you work with.

"Laura Hendrix"

Right, well the, the legislators, um, can't.
Cannot become a lot cannot become lobbyists um.
For 2 years. Okay, so.

"Bill Hollander"

Right. Thank you. Thank you very much. Thank you. Thank you very much for
being here.

"Laura Hendrix"

Oh, I appreciate it.

"Brent Ackerson"

Any other questions or concerns. That's great.

"Scott Reed"

Thank you Mr. chair and I wanted to thank for for coming and providing
answers to a lengthy.
List of questions taking your time. We really appreciate that. And, you
know, from my perspective, I'm, I'm seeing a lot of similarities. There
are some differences but, um, that's I think it's because we're talking
state versus local.
Um, but I do appreciate you coming and, uh.
You know, if you don't mind if in the future, we have questions, we may
reach out to you again.

"Laura Hendrix"

Sure, absolutely sure. Happy to be a resource.
I can speak just briefly about the ordinance in general, um.

"Bill Hollander"

We would be happy to answer any questions that anybody has about this
ordinance that's been pending for some time. We think it.
It's important we also think it ought to be fully vetted and discuss. So
if if members have questions, they want to send me emails. They want to
contact me anyway.
We've made some modifications based on other comments, but we're happy to
take any any questions about it. Going forward and I'd ask them to be not
on the committee, but I'd ask them to be table again.

"Brent Ackerson"

That is our intention. Ms.
Hendricks again. A great thanks for taking time out of your evening to
speak with us. We've been educated in.

In a lot of ways now and and so we've greatly appreciate the knowledge bestowed on us in your free time. So thank you so much with that being said, I'm looking for a motion to table.

Do I have a 2nd motion is properly before us?

Any discussion no discussion at this point, we'll do a voice vote all in favor of table and say, aye. Aye. Aye. Aye.

In opposition, you're in the opposition, that matter is tabled and that concludes our business for the evening.