

Captioning Transcript of Government Oversight and Audit Committee Meeting - October 4, 2022

"Chair Ackerson"

We'll start 30 seconds.

All right, uh, this is the regular scheduled meeting of the 3rd Tuesday, October 4th, 2022, regular scheduled government. twenty two regular scheduled government

Oversight and accountability committee present and chambers his councilman Holland or councilman Fox Catherine read counsel from PG E myself. ackerson.

Virtually we have council and purpose council meeting, held in Stewart council and Paul McKinney and councilman Cindy Fowler is present, but we needed to turn her camera on these councilman Fowler.

And then I'm told that council Blackwell and council Winkler will be here, but they might be a bit tardy.

Was that being said, let's start on the agenda councilman Fowler.

Okay, also this meeting is being held pursuant to 61.8206 and counsel rule 5 a.

Start with item number 2 are actually we're to hold on item number 2 for a 2nd let's deal with item number. 4th, AP 100422 and P. the appointment of Michelle clinics to the planning commission. I turned that expires October.

1st 2025. is there a motion motion? two thousand and twenty five is there a motion motion

holton sterile item is probably the force and we've been joined by councilman to call George.

Distraction you had before

"Althea Jackson"

the Jackson Whitmire fisher's office we are asking for the appointment of Michelle peanut to the planning commission. Ms.

panic will be, um, replacing a long time um, member who did not want to be reappointed. Ms. panic is a retired education administrator.

She is at a district 3 uh.

I believe she is on the call today, so I won't go into a lot about her, because she can speak for herself, but she is an African American independent.

She is a long time resident of Louisville, Kentucky, and again, she is at a district 3, miss panic. Would you please introduce yourself and tell why you want to be on this board?

"Michelle Pennix"

Thank you so much and good afternoon. Good evening to all the members of the council and to all those that are watching, as she said, I am Michelle pigs. I'm a member of the community at large.

I am fiercely independent and about advancing and advocating for the needs of the citizens in my community.

I have retired from in 2020 and since then have been active, supporting young people in the community. in the community

And the community as a whole, when this vacancy became available,

I was immediately interested because I saw this as an opportunity to serve the community in a new and distinct way different from some of my past experiences.

But I think just as crucial and important to the success of law and its future.

I had the opportunity to sit in as a, as a guest and a viewer, if you will on a planning commission meeting about 9 months ago.

I guess now, when was up for consideration for their toe lot. So, boy, was that an experience to sit in on that for the 1st time? But it really gave me a, a view of what city government and commissions look like.

And I think I can add a sense of, um.

Fairness and a sense of just community involvement, maybe from those who haven't really had a voice.

That's 1 of the things I'm known for speaking for those that have a voice, but don't really get a chance to use it because they work or in capacity that they can serve.

So, it would be a great honor and a privilege to be able to assist in any way. I can with just the development of our city.

And making it the place that we all want to continue to live in.

"Chair Ackerson"

Thank you thank you, Madam and cue right now we have calcium. You have the 4, sir?

"Vice Chair Piagentini"

Thank you very much Mr. chair. So, um, MS panic's. 1st of all. Thank you for volunteering to be a part of this board. Uh, it's very appreciated it and congratulations on a on a great career with the public school system. Um.

This board is, uh, very near and dear to me as my district, uh, as far as new development is concerned is the number 1 district in development, uh, number 2 in multi family,

next to Madonna flood number 1 and single family number 1, overall.

Uh, and so I, we have a, a ton of commissions are developments that come through the planning commission, uh, every year that pertain to district 19.

1 of the problems that I've seen, and I want to ask you what your thoughts are on this and this is going to be very important to me to support your nomination.

Is we have and you'll learn more about this from the planning commission. We have a comprehensive plan.

Underneath the comprehensive plan, we have neighborhood plans, and even underneath neighborhood plans, you can have sub area plans. Right? So, there's some that have impact my district.

I've actually funded some, um, that are in, uh, that are in the works right now, for example, in berritown.

Uh, so, but we've had cases, and I had 1 recently where luckily, we were able to overturn the decision here, but where the planning commission.

Had a suburbia plan that was in front of them that said.

The development that was going into that area violated sub area plan, but they approved it anyway.

And my question for you is, will you.

Uh, when you're making your decisions.

Insure that you're taking seriously.

The sub, particularly, they're not just the, the comprehensive plan, which everybody should, but even underneath that, the area and sub area plans that the community in the city spend so much time developing and approving.

Will you ensure that your decisions, uh, align with the intent? And what is in those plans.

"Michelle Pennix"

1 of the things I can tell you is, I am not familiar with the sub area plans. I am familiar with the neighborhood plans and how they work is a larger part of the comprehensive plans.

But what I know about neighborhood plans is that they were created with the neighbors they were created with the neighborhood they were created with the people who had the greatest interest in what happens in their community.

And I would assume that goes even more directly to the sub area plans. I think that what the neighborhood and the neighbors, um.

Is best for their community needs to be at the top of our minds in discussing what should go forward.

Um, I know that many times there are outsiders in the community who come in to a different part of the district. If you will, like, you shared in yours who have different ideas about what should happen.

But I think that we have neighborhood plans for a reason. I think that they're there so that everybody's opinion who's most affected can be.

Be heard so, yes, I would take it very seriously what the sub plan say, what the neighborhood plan say to make sure that everybody's voice is heard, but that specifically those people most effective by the decision, have a voice.

"Vice Chair Piagentini"

Well, thank you so much. I really appreciate that. Perfect answer. That's exactly right. Those plans.

Take on a huge amount of neighborhood support and commitment and then approval process it's very in depth and detailed and and it is the way that the people's voice are reflected in these decisions.

So thank you very much for that because look and rightfully. So, the developers they're represented by excellent attorneys, they have terrific representation. Good for them. That's fine. I don't begrudge them that.

But, uh, this is 1 of the ways that the public's point of view.

On development in these communities is voiced, and I really appreciate you putting that as a high priority to make sure that is followed. So thank you very much again, thank you for volunteering to be a part of this. Uh, and I'm going to be voting for your nomination. Thank you very much.

Thank you.

"Vice Chair Ackerson"

Council and read your next to the queue and you hit the floor

"Committee Member Reed"

Thank you. Mr. chair and, uh.

Thank you MS. Pennix for, um, being willing to serve and again congratulations on your great career with, uh, before I make a decision on whether, or not to support you.

I would like to know if you're going to be someone that asks the hard questions when it comes to development. And when it comes to roads and infrastructure that goes with development. Because what I've seen over the past.

Year or developments that have been approved that we've had to go back and in our view, uh, ask those tough questions about.

Whether or not, there's talk access, whether or not through access to jobs.

You know, good, uh, Ingress and egress 2 developments, and we've actually overturned a couple of cases, which I think is sort of in a way counterproductive.

Uh, and in my view, the planning commission did not ask the right questions and ask didn't ask questions that we.

We ended up adding so I just want to make sure that make a decision that you're.

Going to be an independent thinker. Like you just said, a minute ago, you're an independent person, uh, that you're going to be an independent thinker and, uh, ask these questions before we have a chance to see them.

"Michelle Pennix"

I can assure you, I am 1 of the things I can guarantee you is that I will never.

Vote in favor of anything that I have not had a chance to witness in our community ourselves. So when there's a.

A plan development I plan to actually look at the site. I plan to read thoroughly 1 of the advantages of that. Wonderful career.

You congratulated me on means that I have finished that wonderful career and I have the time I'm available to actually view the sites.

Um, read and make sure that I make an informed decision, but all of those things as you so we'll put matter and are important to the community.

I think that 1 of the things that being a public service for so many years taught me is again to be the voice for those that don't have 1. and a lot of times I look at things through an angle of those most disadvantaged in our community.

So, yes, I will do a deep dive into making sure that all of those pieces are under consideration.

So, then metro council itself doesn't have to overturn so many decisions from the planning commission.

"Committee Member Reed"

That was a very impressive answer and I appreciate that very much and I will be supporting your nomination. Thank you.

"Chair Ackerson"

Thank you and cranny you're next to the queue and you had the format them.

"Committee Member McCraney"

Mr. chairman hello? Hello? Hello? Hello? Hello?

I want to say to my colleagues that while she has answered your questions perfectly do know that those are from the heart.

Those are questions that she knows from her research and knows by being very astute. That's how she has cooperative and operated through the school system.

And that's how I know her throughout this community. So I am very pleased that she has volunteered her time to.

Time for this particular board, it may not be in her normal purview. But if you want anyone on a board like this as comprehensive as it is, and as.

Conflicting as it can be from time to time, you would want a Michelle panic right there to ask the tough questions because I believe her, when she says she will ask the right questions and she will make sure she understands the issue before diving into cafe vote.

So, I am asking all of my colleagues to give her great consideration because what you see is actually what we're going to get on that board. Thank you for being here.

Thank you for wanting to volunteer for this particular board Hispanics.

"Chair Ackerson"

Thank you, that's on purpose your next to the queue, you have the format them.

"Committee Member Purvis"

I don't know, I didn't sign into the queue, but, uh, thank you. Ms, thank you. Very impressed with your with your passion. Thank you.

"Chair Ackerson"

Any other questions or concerns regarding this appointment? No 1 else in the queue. This is appointment that requires a voice photos in favor.

Say, aye aye, any opposition.

Opposition is passage unanimously. It should be sent to the consent calendar. The next item on our Jeremy item number 4 double 04 double 2. the re appointment of Naomi rose Paulin to the revenue commission a term. It expires October. 1st 2025.

is there a motion motion? is there a motion motion

Enforcement Jackson here the floor,

"Althea Jackson"

it's Paul and couldn't join us today. She is traveling, but we are asking for her reappointment to the revenue commission authority she has is a long time resident of Jefferson County.

She is actually retired from the revenue commission. She is at a district too. She's been a great commission member and we are asking for that re appointment.

"Chair Ackerson"

Does anyone have any concerns or questions that will require us holding up this appointment?

Hearing none, this is point across a voice photos in favor say, aye. Aye. All right.

Any opposition in opposition that passage unanimously and shall be sent to the consent calendar.

All right question away counsel.

"Vice Chair Piagentini"

Um, Mr Jackson quick question, it wasn't pertaining to that particular nominee, but it does pertain to the revenue commission just out of curiosity. It it seems like we have 23456 members of the commission. 1 is council and right as chair of the budget committee. I'm sure.

budget committee i'm sure

Do you know how many people are supposed to be on that commission? It seems a little light to me.

"Althea Jackson"

So there are 6 members 3 are not appointed by mere Fisher, right? When it.

Um, Jeff, the J. J. CPUs.

Natural counsel, presentation, mayor's office has representation than there are 3 of them.

"Vice Chair Piagentini"

And that is the capacity of the board is the 6. okay. Great. Thank you.

"Chair Ackerson"

Any other questions or concerns

"Council Member Hollander"

I get a library just a minute. Um, uh, the, the, um.

The, um, members, if you are well, are the mayor.

Uh, the president of the board of of the metro Council, and the superintendent, all of whom? A point somebody like me I'm appointed by President James to serve on his behalf and then there are 3 members correct?

"Chair Ackerson"

Thank you any other comments or concerns.

And then we'll move on to the next item. I have number 51 double 04, double the re appointment Travis Frick to the revenue commission a term that expires October 1st, 2025. is there a motion motion? Adam's probably enforcement Jackson.

"Althea Jackson"

You are the 4 we are asking for Mr. reappointment. Mr. Frick is a long time resident of Jefferson County 47 years. Uh, he is a CPA he is at a district 7. I do believe he is participating in the call.

"Chair Ackerson"

Is that correct? Mr. Frank are you on the call? Mr. Rick well appears we're having technical difficulties. Does anyone have any questions or concerns that requires to hold up this appointment? Turn on this appointment that requires a voice vote all in favor say aye aye aye. In opposition in opposition that passage unanimously shall be sent to the consent calendar. Mr. Rick, thank you for your attempts to attend and we apologize for the technical difficulties. All right, folks, let's get on to item number 2, which has been lingering. I don't number. 2 is 0810600thereappointmentof Carla during to the dark board a term that expires August 31st, 2025. is there a motion on the table? This. august thirty first two thousand and twenty-five is there a motion on the table this Oh, yeah, I just been on the table this before us. Uh. Any questions or comments or concerns regarding moving forward with this item calcium continue your 1st and that.

"Vice Chair Piagentini"

You sir. Thank you. Very much. Mr. share. So I think I saw Council on purpose wave and so we're going to get you to your next Madam. I'm going to propose an idea to my fellow committee members here. Uh, I spoke to the Union today of the union's representation. And, um, 1st of all, it's just so everybody's aware because it happened recently the current or the, the immediately prior board chair. Mr. Has resigned as of the past week effective immediately. So, chairs gone, right I believe miss during was currently the vice chair of the board. After talking to a union leadership forbid talking to somebody you all and my own observations. I'm extremely torn on this. I wasn't terrifically happy with some of the dialogue and how things went last time and, you know, servers inclined to vote. No, but I've had some concerns around scapegoating and with the board share leaving now, you know, we've got, you know, look if we want to replace the whole board. Right? You're talking about pretty. A tough process to go through and then you have no leader, or you have, you know, sort of a lack of immediate leadership. So, 1 of the ideas that was positive, and I want to put this out there and this is the way I would prefer to move forward.

Um, I almost want to give, you know, so there are indications to me that miss during has done. Some things am I blown away by how quickly or how deep she's gone and addressing some of the concerns? No.

So what I would propose is that we.

Table this to the January formation meeting. I know we don't usually take both of the January information meeting, but I, I would argue here.

Here's a unique opportunity to do that. And Here's why our message being that, what we want to see.

And she's now sort of default, uh, chair of the board, you know, at least in the immediate term until they get back together and vote.

Is look your house is burning.

What we want to see is you running to get buckets, calling the fire department, moving with urgency and taking deep and decisive action and if we see that between now and December, right? Okay. Well, we'll vote for you. Right?

You know, we'll, we'll, we'll evaluate that in the context of, of your overall nomination.

Um, but I would put my.

Preference would be to do that to give her the opportunity to.

Impress us, I think the dialogue that we've had is signal that we're not fully impressed at this point. Um, and maybe get some of the action that we want to see.

My concern is, we take out the vice chair of the chair's gone. Right? You know, today.

Um, you know, the impact could be, you know, as bad as it is right now.

I'm not convinced it would be better tomorrow.

And so I'm wondering if this is an option to get the action, we need to get the movement, we need to motivate the right people. Um, and then make a final decision, come January meeting and and I'll leave that comment that I'd love to hear my my colleagues thoughts.

Uh, but that's that's what I would prefer to do. Uh, if if the rest of the committee disagrees, we'll go ahead with the vote. But, um, that's my preference. Right now. Thank you. Very much. Mr. chairman. W. we'll hold off and not make that a motion once. Everyone's sort of commented then. You can make a motion.

"Chair Ackerson"

If we get a 2nd, yeah,

"Vice Chair Piagentini"

no, I'm not making a motion.

"Chair Ackerson"

Yeah, exactly, because ultimately that motion will be 12 table it until January.

A date certain, and then we take a vote on that before I get into the rest of, I will say this I would be available today.

I'm not impressed with with the board is.

Done since the buyer report came out, apologies are no longer acceptable in my world.

You shut down the job from the get-go, but if it's the will this body to.

See, how she does until January you know, there's a chance that I could be.

That could be swayed otherwise. So but my vote today would be no, when they came in here and spoke to us, I did not find their answers to.

Valid their lack of candor on things by boarding saying, well, counsel told us not to talk with this horse pokies when I say so I'm a fan of saying.

Replace the whole board, but that's just my 2 cents next to the queue is capital on purpose cancel on purpose. You have the format them.

"Committee Member Purvis"

Thank you, Mr. chair, 1 of the few times that I will probably agree with counseling.

In addition to what he is recommending, I wanted to let you all know that I'm still gathering information before I really make up my mind. Um, so. I have to go along with Council. Let's put this, let's table this until January and hopefully by then.

Ah, we can see some improvement in, uh, see the things that we need to see Thank you.

"Chair Ackerson"

That's when you were next in the queue and you have the floor, Madam.

"Committee Member McCraney"

You Mr chairman, I too have spoken or heard from top leadership with the union of.

And have been, uh, quite.

Surprised to learn that they emphatically want us to hold off on this appointment. I can tell you that on the last meeting when miss during was before us. I was thoroughly.

Impressed with her at the end and how she got it and I can tell you publicly that she made some phone calls afterwards.

I received 1 of those phone calls, and she was explaining to me that she appreciated my.

Conversation with her about their needing to focus on customer service and I think several of you may have received a phone call from her.

I believe she's sincere in wanting to now do the right thing knowing that we are really.

Laser focused on what they have been doing and making sure that they move forward together to to commit to doing what's right by the citizens of this community.

So, with that said, I was prepared to.

Advance her appointment today, but.

Having heard from dark leadership excuse me? The union leadership, I think.

It's the best that we do place a hold on this. Now, I do need to point out that my colleague mentioned that there's a fear of not having leadership on that board.

But here's the deal, anybody that we place on a board like that are already leaders.

They don't necessarily have to have that tart board experience cause that's that's not been good anyway. So if we have.

No, no, 1 to replace.

Mr. lattice and we want to make an exception to automatically having her to move up. If we have that authority. I think that that's something we might want to consider.

So, I'm putting it out there with what chart leadership said, and we probably need to take that into deep consideration.

"Chair Ackerson"

You guys when customer flat file, or you're next in the queue, you have the floor, Madam.

"Committee Member Fowler"

Thank you Mr. chair. So, um, you know, I, I had, um, some reservations, but all in all, I feel like, um.

That miss Gary has been in that position, just swamp enough to maybe get her feet wet and to understand what's going on. And I would have voted to appoint her today. I was prepared to do that.

I'm not sure. Um.

Really what good tabling is going to do, because I just feel like that to be fair to her that she has done what?

She could do given the time that she's been on the board and the situations that we faced with the board, and just in general of what's been going on.

But, you know, I.

I just want to make sure that we are fair and I understand that, you know, we're dealing with something that is not good and we really need to get a handle on it.

But I feel like that if we are not fair to the people that are trying to do a good job, and I'm, like, cancel them in the crane I really feel like that she is trying to do a good job.

So, anyway, that that's just my 2 cents, I guess I'll go to table as well.

"Chair Ackerson"

Read your next to the floor and executing on the floor Thank you. Mr. chair and like, you.

"Committee Member Reed"

I was fully prepared tonight to vote. No and my reasoning was that I came out of that last, um, meeting.

With MS, I'm wondering who was, who was leading who?

And, um, it just seems to me as though, I heard a lot of ambiguity and the answers, and I heard enough to make me based on, you know, the years that I've been in business, uh, people making, um, excuses.

But, nobody really taking any sort of action. And, um, so I was going to be a no vote. Um, however.

No, calcium from the crane you spoke with union councilman, you spoke with the union I did not speak with union so I did not hear their concerns and I will defer to that.

And I will vote the table if it does come to that. But I will tell you that. I think the time of the metro Council, just simply rubber stamping these appointments has to end.

Um, you know, I'm on the persons for people with disabilities Commission, and I hear of the nightmares that go on with Tier 3 and, you know, I wasn't I wasn't pleased at all with what I heard. Um, and it was disturbing to me.

So, um, I think the person that, uh, that resigned, I think that throws a wrench into it. And I do agree that maybe the best thing to do at this point, is to is to table it.

But, um, you know, again, I think that this is serious enough to the public that we need to take a very hard look at these appointments when they come up. So, thank you.

"Chair Ackerson"

We're calling you the 2nd Council of, but it's for the record here. I forgot to announced earlier then clerk counseling Vincent has excuse absence customer next to the queue and you have the floor.

"Vice Chair Piagenitni"

Thank you. Mr. chair. So, uh, oh, and this with making the motion.

So 1st of all, thanks for my colleagues for all your thoughts.

Um, council read, you know, in in addition to, you know, what we talked about, I forgot that you were on that commission and how difficult it must be to sit through those conversations. So, I really appreciate your perspective on that. Um, so.

Because the motion is just going to table to a time certain with that said, um, I think.

Just for the purposes of the public, the purposes of the union and the membership, for the purposes of, I think the message is very clear. We want to see action. We want to see it be decisive.

Um, and, um, and I appreciate my colleagues that spoke.

Degree in her defense right now shared some of their related their conversations with they're all good information. Um, and I think this gives.

Her the time to convince the rest of us, the reaction.

So, I'm going to make a motion to table this until.

Okay, oh, yeah, right because we're not going to have. Yeah. Okay so we'll table this until the 1st government accountability meeting after the 1st of the year. I didn't make that as a form of emotion. Please.

"Chair Ackerson"

Okay, when we've got a 2nd, so the Adam is before so I would say that not only is this about seeing some movement on their part I want to see cooperation across the, with, with, with the Union, because everybody needs to be on the same page.

To work to make things better for everyone. So, it's not just show up here and say we tried this, try that it's you better reach across the

lines, start engaging with and listening to and bringing along for the ride. Unintended.

The workers that do the day to day operations. That's what I want to hear. That's something that might sway me off my notebook. But, other than that, we've got the motion to table till the 1st meeting after the 1st of the year of the 1st, meeting of the government accountability committee meeting.

So that's a date certain that we're tabling 2. we've got the out of a force in discussion.

No, 1, in the cute, let's do a voice vote on that all in favor say, aye. All right any opposition.

Opposition that is tabled to a date certain, being the 1st government kind of build a meeting after the 1st of the year.

Jackson, thank you. All right.

Let's get on to item number 60 or O, Dash 058 Dash, 22 and ordinance amending section 2102, 807,106 and 2199 to the little metro code of ordinances and creating a new section of the little metro code of ordinances chapter 21 related to the lobbying of metro officers.

It's going to be amended by substitution and, uh. metro code of ordinances chapter twenty one related to the lobbying of metro officers it's going to be amended by substitution and uh

Do I have a motion motion weekly and a 2nd I was probably before, so I'm going to send it to the Florida councilman. Hollander who this is his baby did to deliver.

"Council Member Hollander"

Thank you Mr. chair. Um.

What I would like to do, and this is in the system just so I don't forget to do this. If someone would make a motion there is a.

A new version, which is in the system as.

It's on the top document, um.

I think it's label 92,822.

Uh, I think if we could put that before us, and then I'll schedule for changes that are in it.

"Vice Chair Piageninti"

Yeah. Uh, councilman just, uh, I'm gonna make the motion. Uh, but it's just for clarity.

It's labeled, uh, proposed cabs, Dash, cam 100,922 and I'll make the motion to, uh, that can release the floor. to uh that can release the floor

"Committee Member Winkler"

2nd, so, let me explain what we've done here. Um.

"Council Member Hollander"

And, you know, this has been around for a long time. We've talked to lots of people, including members about it. Uh, let me just explain some of the major changes that are in this section.

Um, 1 is a change, uh, to make it even clearer, uh, that, um, an initial contact and this real I'll just give an example of this. Somebody calls you.

Who operates a business, um.

Or, as a nonprofit wants to, to talk about getting a changed in zoning for their property.

Uh, AR, wants to talk about a metro appropriation they call you, uh, and, you know, you say how this works.

But that's the extent of the conversation that does not mean if they want to within 7 days, they could register as lobbyist, which is a pretty simple form. They say they are registering on behalf of what a company they are and they're seeking the rezoning.

And that's all I have to say, but.

This would make clear that that initial contact does not constitute lobbying and they would they would not need to register based on that. So that's on on page 2 of the ordinance on page 10.

We've made it clear that a organization would not have to say that they are, um, uh, what, um, um, dollar amount is being spent on lobbying by an employee.

So clearly, if you hire a lobbyist.

A contract lobbyist, you do need to report how much that contract lobbyist is being paid to lobby, but if you are an employee of an organization, let's say, I'm the, uh, I'm the president of a company. I come to lobby metro Council.

I don't have to say, you know, my salary is 50,000 dollars and I spent. spent

You know, 2 hours out of a week, doing this and therefore I spent, you know, 55 dollars and 63 cents. You don't have to say any of that. You're just an employee and you don't have to make a report of your of your expenses.

That are that are expended on on that lobbying effort. lobbying effort

Uh, we've shortened the cooling off period from 2 years to 1 year, the cooling off period, as for our metro officers of a certain type, uh, who want to leave metro government and then become lobbyists.

We currently have no cooling off period. The original 2 years was from state law. There are other cities.

I think 1 of the, uh, um, houses of Congress actually has 1 year, but this would take it to 1 year. Um, and then, I think a really significant change in this gets to the, to the discussion that we had.

I guess the last time we talked about this, when we had the legislative ethics committee.

A commission from Frankfurt come and speak and I think councilman Reed for that, they, their ordinance, or their statute is clearly much more robust in terms of what the legislative ethics commission does.

So, it indicates that they review each of these reports. Uh, if you remember that we ask questions about, what does that really mean? Well, if we know that there was an advantage, it's not listed here. We go back to the people.

We say there was an event, it wasn't listed. Uh.

It that is not what we envisioned.

I think it is, what was in the original draft, because we used the state law, but what we envisioned here and what most cities that I have talked to have done is not a commission that that, you know,

analyzes the report reviews that decides whether it's comprehensive enough they just accept it and they make it available to the public and that's the transparency that the lobbying registration provides. So we've taken out all the language about the review.

Frankly, I think that's very important in terms of the cost to, uh, to Metro. I mean, this really is not.

There will be some additional cost. I mean, you have to receive the reports, you have to put them online.

Are you at least have to make them available and we've suggested that they'd be available online. Some cities have done that just by posting PDFs.

But I think that the expense here gets dramatically lower when we say this is really a receive reports and make them available to the public issue.

Uh, and then finally, and I'm sure there's going to be some discussion about this tonight. Um.

We've clarify the language about lobbyists and, um, payments.

For, uh, events, uh, that Metro council members, or other metro officers might attend. So the, the draft that is will be before us, I guess the motion is to put it before us.

Uh, it says that Metro officers could accept things up 250 dollars. and fifty dollars

From lobbyists, or employers uh, it, it says it does not include language.

That says if, if someone offers all metro council members a ticket to an event, then they, that that's fine.

So that is no longer in this draft now. W, how does that compare to the state? Well, the state doesn't allow you to take the 50 dollars, uh, up to 50 dollars.

And frankly, I've heard criticism of that rule from for example, I've talked to a state legislature who was, you know, invited to speak at a, at an event.

Uh, and it is and told the event is sponsored by lobbyists or employers and installed. Well, you can't go through the buffet line.

Or you can't get a cup of coffee off the coffee table, because we can't, we can't do that. That's why we made this this change regarding the relatively nominal 50 dollars.

The reason why now the state also says that if every member of the of the general assembly is invited to an event, then that's not anything of value. And so the rules don't apply there.

Uh, in in the the reason we did not do that.

Is because we also have an ethics law, which says that and there's actually an opinion on this from the ethics commission, which talks about that.

There are, you know, there's a limit to what any metro council member or metro officer can can accept, not from a lobbyist, or an employer from anybody.

And it does say that reasonable hosting, including entertainment meals or refreshments furnished in connection with public events appearances. Our ceremonies are okay.

And then it has a whole Pro and con thing as to what's you know, how do you look at? Whether it's okay or not? And 50 dollars is listed there.

It's not the determining thing. It doesn't say if it's over 50 dollars, it's bad.

And you can't do it it doesn't say if it's under 50, it's okay. It's 1 of the factors to consider.

But it, it, it, it did concern me.

Frankly, to have a a section given that, I mean, I think we all know from reading that opinion and from reading the ethics law, the general ethics law.

That at a certain level, you would not be able to accept.

Something right, whether they're lobbyists or an employer or just anybody at some level, you say no, I can't. That's unethical.

Um, and so, to me to then, say, in the lobbying law, but if you invite everybody, there are no limits to it.

And it just doesn't make a whole lot of sense, right? It's okay if your lobbyists to give something to everybody. But if you're if you're just sort of the general person, you can't. So, I know there's going to be some discussion about that particular section.

I have some language if people want to do this. It's fine with me.

Uh, to change this language to, to, to say.

That if all members of the council are invited and other metro officers, say the mayor, for example, to an event, uh, that the, it could be valued at more than 50 dollars. But no more than.

And I've written 100 dollars that, you know, you can decide what you think is fair with that. I mean, clearly, there are some events. Some of our members mentioned to me, mobile tourism, for example, may have an event. event

Uh, to talk about our tourism activities, and then provide some food and beverage at that event may well, be more than 50 dollars. What? If it's 60 dollars and you have this sort of, limitation of 50 is, you know, it should we have something different there.

So, I think that's.

A discussion that we can have, but what I guess, I would say in general, just in closing, what we've tried to do is to.

Is to accommodate as many of the concerns that we had. Um.

We've made it very clear, for example, there's been some concern about what about people just contacting me about operational issues that are a new regulation and new ordinance a new appropriation.

We've added the word operational that contacts about operational issues or not.

Uh, or not lobbying um, and so I, you know, I hope we've tried to be to address as many concerns as we have and I'll just close with this. We got into this whole conversation because when we look around at other cities. Indianapolis Nashville, Cincinnati, Austin, I mean, I could go on and on. There are a few cities our size that don't have any regulations are restrictions on lobbying at all.

And I think it's time that we do that.

Thank you, I'll be happy to answer any questions and Alice live, I'm gonna say has done, uh, lots of work on lots of changes to this. She is here also and available to answer questions.

"Chair Ackerson"

Each team your 1st acute and you have the floor, sir Thank you. Mr. chair. Uh, 1st of all. Um.

"Vice Chair Piagentini"

I want to thank you bill for going through this. This is a ton of work right now. Thank you. This is a ton of work, so I really appreciate everything that's gone into this.

Um, I'm in support of this, uh, member by substitution bill, and I, we got to meet, just for everybody else's awareness we were to meet, uh, I think, last week or so right. And go through some talk through some concerns right?

Which, I think have been addressed here particularly related to, um.

I want to be clear about this for the future, because I think what's going to end up happening here is we're going to pass this and I want to support this version. And I'll explain why in a 2nd um.

Inevitably, we will have to address something at some point and amended somewhere. Right? I mean, we're gonna put this forward. We're gonna try it out.

We're going to find something that's not perfect and we're going to amend it, which is what we do with a lot of things but to me, this is a really, really good starting point because what it does balance is on the 1 hand and 1 of the things we talked through when we met to discuss, this is absolutely not.

Chilling your average citizen on advocating on what they believe and want as a, as a, as a citizen of of this community right? I think it does a really good job saying that's not lobbying. Right?

And meanwhile, put some parameters around lobbying.

That to me, seem very consistent.

With what we've done at the state, what what the state has done and certainly what you've seen in other jurisdictions. I, I will say related to this question of.

Um, whether or not, we should change the limits if everybody is invited.

What I'll call lean, not doing that at least at this time right? Move forward with the version that bill has currently filed and then, you know, look, if something comes up in the future, we can amend it. Here's why.

The organizations that can afford to invite all of us to an event and have a higher dollar limit, or the organizations that have the ability. To, um, create larger spheres of influence.

When I think about, you know, we're just talking about the rental ordinance in public works earlier. My concern is not for the big institutional investor.

My concern is for the person that has 2 rental homes who doesn't have the money, or the ability to, you know, bring us all out and talk about, you know, what's going on and and include food or whatever the deal is.

Right.

Um, whereas Churchill downs as an example, and I'm not picking on them, they're final organization, but they have the means to do it.

And the small business owner doesn't so.

Uh, I'm inclined to create as much of a level playing field as possible.

Um, so that.

It is the same, uh, and and cradle a playing field that is reasonable, considering small medium and large size.

Organizations who who are speaking with us about issues. So, uh, but again, I'm, I'm in support of this current version and when I get fed

bill for the process that he went through, I always compliment you on process. Even when we disagree on policy, the process was great. Uh, and and I think this version is a good way to move forward with and I'll be in support of it. Thank you.

"Chair Ackerson"

Okay to the lawyer has 2 loophole questions based upon what we've talked about here.

Number 1 is we talked about the organization or lobbyists could spend up to 50 dollars.

On a council person, you know, they get the buffet and they, they get a cocktail or something. So we got the 50 dollars spending now in theory, though, let's say you though.

Or you pick up, you know, Humana, or whoever you want to pick out the large corporation decides to invite 26 people. They'd, it's done a 50 dollars spinning tab on all 26, right?

So, we've already sort of set a limit and that is.

Well, if you invite everybody, it's 50 bucks. If you invite 2 people, it's 50 bucks a person so it's just for a 50 bucks, right? Right. Okay.

So that makes sense. My other question was regarding initial contact.

Let's say I'm.

John Doe, and I make initial contact with Council and Reed.

Are we talking about initial contact? I didn't make initial contact with Fox.

Initial contacts and still not register or initial contact. Is that clear to find that? It'd be the moment you talk to 1 counsel person it's a 1 and done our initial contact.

Cause, if our intent is to register, right now, if if initial contact is not defined in such a manner, my concern would be well, that's fine. I'll talk to all 26 of you. Each 1 will be an initial contact.

Makes sense

"Council Member Hollander"

it does and I, I'm gonna defer to Alice for her view on this, but what we W W, what the way it's written.

Is it talks about the initial communication.

And by the way, this would only apply to people who are not themselves lobbyists, or they're, they're an employer of a lobbyists. So nobody's going to be able to say well, I, you know, I'm obvious, but.

I, I'm going to make the initial contact with you with a.

Uh, registering that's not going to be, you know, so, anyway, the, the 2nd section says, however, any further direct communication between that individual and a metro officer, or the staff of that officer, which meets the definition of lobbying will constitute living.

So, I would interpret that to mean, you could not call all 26 people you could call 1 and and the, the 2nd, 1 is it's sloppy because presumably, when somebody. somebody

Going to say to you is when you call council rate and say, I really would like for you to raise on this property council and rates probably going to say there's a process for that. And Here's how you.

I don't mean to say what council unread would say. That's most of us I think would say is, here's the process for that. You know, here's how you go about getting getting in the in the. Queue for a zoning change or whatever you're, you're talking about. I to answer your question. I do not think there's a loophole that you can call 26 people

"Chair Ackerson"

based upon what you've told me. I would say you were correct so I just want to be clear on that. So I like it. Alright, councilman Winkler you're next to the queue and you have the floor, sir? Sir

"Committee Member Winkler"

Uh, thank you. Mr. chair. Really? The so I. Echo council in these comments and I agree, you know, really good work getting us here. I think the only. Concern that I would raise, and it's not really a concern. It sort of goes to the point that councilman Holland referenced is really around, being invited to. Um, particularly things from what I would consider sort of quasi government agencies, Louisville, tourism, University available, uh, where you may be asked to attend a forum. Um, and, you know, the luncheon is, you know, it's 60 dollars and 75 dollars and, and sort of inadvertently running afoul. Um, of the ordinance and and so I just wanted to sort of throw that out for discussion and see what people think and and. I mean, I think sort of this, 50 to 100, I mean, 100 dollars pretty much covers any sort of luncheon type thing, which is the majority of where my concern is. And and the sorts of things where I think we would typically, um. You know, be invited to come speak or listen to sort of the state of the industry state of whatever sort of the event is. Um, and again, my, my primary concern here is sort of inadvertently running a file of the ordinance, because you don't recognize that, you know, when, when a little tourism says, hey, we're updating the state of tourism, you want to come, you don't even know that. Okay. They're on sale to the general public for 65 dollars, right? And suddenly sort of run afoul of the of the lobby ordinance unintentionally. Unintentionally

"Chair Ackerson"

Well, I said the price tag of most of those things, there's 100 bucks. Yeah, so then you find yourself saying, well, I'm going to have just a roll in a glass of ice water or somebody. Notice I didn't eat the beef. Are you finished? Calcium?

"Committee Member Winkler"

Yeah. So I'm just gonna throw that out there. I mean, I, you know, I think most luncheons are gonna be in sort of that, you know, 65 to 85 dollar range is typically where I think. i think They fall, um, I'm not super passionate about it. Um, you know, really, I just wanted to throw them for discussion so that we don't create. Sort of an unintended consequence for people where they're, they're trying to comply.

Um, you know, I think there's a very clear difference between.

Uh, going to, um, you know, going to load forum, global, uh, tourism forum on the state of tourism, and in the city, and being invited by a lobbyists lobbyist to a steak dinner at Morton's. I think there's a very clear.

Difference between those 2 things. Um, and and again.

I don't know whether the 50 bucks covers it whether what council in Holland or suggested where it's, you know, if it's an event and sort of, it's, it's open to the whole council that it's between 15 and 100.

Um, but just don't know what other people think about that.

In, you know, if other people share that concern or not.

"Council Member Hollander"

Mr. chair can I respond?

"Chair Ackerson"

Absolutely sir.

"Council Member Hollander"

Or at least I'll, I'll just read and I knew there was been some discussion about this so I will tell you and I'm I'm offering this. This is not an version that's on the screen, but I have talked to Alice about this today a couple of other members. I mean, it what we could do and I alluded to this earlier.

Is is I'll read a section here.

For events to which all metro council members are invited along with any other metro officers, and we have to remember this this ordinance, unlike the state legislative covers, both the executive branch.

And the, and the, and the, the legislative branch would cover the mayor um, Andy covers you turn in on the county officers? Yeah.

So, anyway, for events to which all metro council members are invited along with any other metro officers, a lobbyist or employer may provide the officers with the cost of attendance, or participation at the event, including food and beverage consumed that is valued at more than 50 dollars. So, long as the value does not exceed 100 dollars per individual officer that. that

It could be a potential amendment if that's what people want to do when they.

Finish the discussion

"Committee Member Winkler"

yeah, I just would add to that for most, you know, let's be honest. Most of these events are fundraisers for the groups that are for. So the actual value of the food consumed.

Is really never in excess of 50 dollars, right? If you're buying a 75 dollar ticket to go to.

Um, you know, the, the luncheon at at the convention center, right? The the actual value that is.

Given is, you know, maybe a 20 dollar meal.

Right. It's it's not a 75 dollar meal. The ticket might be 75 dollars because for them it is a.

A fundraiser, right?

"Council Member Hollander"

So we could if that couldn't respond I mean, we could change that to that is priced. I don't know if that's the right word. Alice, but that's 1 of the.

I, I understand what you're saying.

Um, or is offered to others, um.

Add more than 50 dollars, or what we could fix that. If that's the desire of the.

Of committee

"Chair Ackerson"

Council on file are your next to the queue and have the floor and Madam.

"Committee Member Fowler"

Thank you so, I, I have struggled with this, um.

Uh, on on many points, um, but 1 is, is that, um, the amount of the value and the value of whatever the ticket might be.

And, um, I just feel like.

You know, like I'm taking my grandkids to the boat to the zoo at the zoo this weekend, and, you know, um.

Am I over the limit, you know, and so definitely I think we need to.

Um, make it for all council members if they're invited.

Uh, then it's okay, and and then I think we need to raise it to 100 dollars to cover, you know, when you might be taking.

For your grandkids, and then it's over in excess of the, um, the 50 dollar limits.

So, um, and, um, I don't know, I still have some, some questions and, um, I,

I would prefer to table this until next time for us to look further into some of the issues that we're all seeing.

And I make that in form of emotion, unless I don't know, I can't see the queue. So I don't know if there's a bunch of people in the queue.

"Chair Ackerson"

We have 2 more counsel people in the queue.

"Committee Member Fowler"

I can hold off if you would

"Chair Ackerson"

then we never and we never formally.

Voted to amend by substitution so it's before us if the well, it's body, we're at a table what we ought to do before that happens is go ahead and vote this version through so that we're all on the same page of what version we're working on. Does that make sense?

"Committee Member Fowler"

Well, but the version does not include the, um, the value and, and it does not follow the state law as we, um, as it is written. As far as, um. All members everyone is in that is that in there.

"Chair Ackerson"

No, but what you're saying is, you're saying you'd be talking about Madam, tabling it, and then next time it's brought up amending it or attempting to work the things that you want to work in. You follow me.

"Committee Member Fowler"

Yeah.

I agree.

"Chair Ackerson"

Okay. Council and purpose. You're next to the queue and you have the format em.

"Committee Member Purvis"

Thank you. Mr. chair. So, um, so I agree with.

With Cindy, and I'm hearing what, uh, I'm sorry counsel woman foul and I'm hearing what.

Winkler sand, um, and this is just my opinion. I don't think the.

In terms of government entities, like the zoo, uh, the councilman founder is talking about going to as well as quasi government. This is just my opinion and and you all can give me your feedback on it. I really don't think they should be included.

I think this should really apply to the private sectors, uh, the norton's and humana's of the world, you know, but these quasi government agencies and torque.

I really don't understand why they would have to be included in this. Installation, um.

We don't really gain, or they don't really gain. I just don't feel like there's any kind of way that we can have an obligated relationship with these entities since they are part of government. But that's my opinion. But I did wanted to share that and I, I do agree with councilman Fowler as far as a table in this in the event that such amendments can be made.

"Chair Ackerson"

Thank you or would you like to address that? It.

"Council Member Hollander"

Well, I'll address the zoo, I mean, I have never been lobbied by anybody at the zoo, except the director of the zoo, who is clearly not a lobbyist under this ordinance.

I mean, it's quite clear that he would not be lobbyist so the zoo is not an employer. The zoo is not a lobbyist. This is not a general ethics law that says what you can accept and what you can't accept.

This would not affect the ability to go to the zoo this weekend, or for BU, at the zoo. And I don't think it affects.

Um, you know, I, I don't think it affects the the, um.

Sort of many organizations, uh, I don't consider them to be employers and I don't think that they lobby us. So again, this is not just the general ethics law.

My only comment of certainly, um.

Will the committees? Fine if it's it's this table I will say what I said at the last meeting.

And I think at the meeting prior to that, I am willing to meet with anybody anywhere anytime.

To discuss concerns about this ordinance councilman, reached out to me council when majority reach out to me, we've had meetings about that. I have not heard from any other member.

But I'm happy to have those conversations, and I hope we will call it. I did hear from members today. I'm sorry I heard by, but it would be helpful. And again, the committee can do what they want.

It would be helpful.

Beg your pardon? It would be helpful to me and I think it would be helpful to Alice and the process. If if people have comments about the ordinance, if we could, you'd say, reach out to me.

Uh, and we could talk about those.

"Chair Ackerson"

That's when George, you're next to the queue here the format

"Council Member George"

Thank you chair. I'll just ask a few questions about the amendments. If I may.

1st question I have is.

About the amendment on page 4 that I think it seems to get to the concern about accidental lobbying.

I want to better understand what is meant under, um.

Number 2, which says the communications.

About ordinary and routine operational, permitting licensing or compliance decisions with Metro officers, this this would not fall under lobbying activities. Correct? That's correct.

And we've expanded that to include the word operational and to include.

It's not just with the executive branch. It's also with with Metro council members.

Yes, and so I want to understand what is meant about operational and I have.

And I've heard you mentioned zoning, for instance, in India, I guess.

I'm interested to know if a business.

Calls a council office, and let's say, it's, you know, somebody who's employed, they're being paid by the business. Let's say it's a manager.

They call about an real time camera, and they're advocating for a real time camera to be added at their corner. Where would that fall?

Would that be considered, like, routine operational communications?

"Council Member Hollander"

Yes, in my view, and I think the other place so you, you're looking at the exceptions.

It is a good place to look, but you also have to go up and look at.

What is the definition of lobbying itself? So that's at the bottom of 3 in top of 4.

That that's not the proposal drafting development consideration, promulgation amendment rejection, or appeal of a rule regulation or policy, it's not the passage or our defeat of, uh, executive approval or legislation,

and it's not financial arrangements under which public funds are distributed or allocated. Right, I mean, it's none of those things they're not asking for a budget appropriation. They're just they're just saying, I.

Could we get a camera? How do we get a camera? Right?

"Council Member George"

Yes, if I may, but I think it's also those cameras cost money and oftentimes counsel office council offices fund them at least that's how it works for me. Unfortunately.

So, oftentimes they're advocating for a camera and with that they're advocating for.

"Council Member Hollander"

I think if they are advocating for dollars for our camera for anything else, I think I do think that's.

And again, I want to say what this means is there's no prohibition on doing this.

All there is, is at some point, and again, if they call the 1st time and say.

How do you get a camera and and you say, well, you do whatever you do you apply they don't call back then that's they don't have to file anything if they say yes I'd like to pursue this and I'd like for you to pay for this camera and I'd like for it to come out of your MDF funds.

Then I think they have time 7 days I think. Is that right? To to register? And that's a couple page form that says who they are and they. They lobbied for a camera at their location paid for, with the public expense.

"Council Member George"

Okay, thank you. Um.

My next question is on the piece with the ethics commission, and I think. Based on what we had heard previously, um, this.

Definitely seems more reasonable. I guess I just want to make sure I understand those. So, ethics commission is just responsible for the accepting and then the.

Publishing of the reports that are given. Mm. Hmm.

How do we see this information being used? I mean, I'm guessing the media, or if somebody has a concern, they'll go and they'll, they'll pull this, but without any real validation, I'm just wondering the value and what what we see happening with this information.

"Council Member Hollander"

Well, I would hope, and the says that they're supposed to do this and get back to us, whether they could do it. I would hope that the ethics commission would put these online.

In other cities they've simply been scanned in and our PDFs are filed so that you can go to I believe it's Cincinnati. It could be wrong about the city. I've talked to Indianapolis, Nashville in Cincinnati in 1 of the cities.

You go to legislator, and there's a tab, and they are all there and you just punch on. Em, and it will it will give you the form. Um, if they don't do that here, and I think they should, uh, then it could be subject to an open records request.

Just like our financial disclosure forms are.

So, I think that's the value you, um.

You know what, if you look at the state.

It will frequently be stories about the amount of money and being spent in state legislative activity and what it's being spent foreign who's spending the most money and that's all being done by journalists who are looking at what's really influencing the general assembly. You could have the same sort of thing here.

I think that's the value, the transparency of that.

"Council Member George"

Thank you

"Chair Ackerson"

page continue you're next to the queue you have the floor.

"Vice Chair Piagentini"

Thank you. Uh, and I'll just be quick. Um, so.

I'm not a, you know, just because the, the concept of tabling this came up. I, I'm not inclined to.

I would rather, you know, move forward, but with that said, I understand that some may want, you know, a final change to this, or or proposed, uh, discussion with, with a councilman. Hollander. I, I, you know, I do think he's been, um.

More than willing to to have those conversations. So, I mean, if we end up doing that, that's fine.

But, you know, I, I think we've got a good product here with that said, I do want to make sure we're clear about something that counselor and Hollander said earlier about.

The alignment with the state, um, and because counselor and that can you, you mentioned that we aren't aligned with the state on the limitations if everybody is invited that is true.

That is true and if people want to have an amendment on that, I think that it's fine. Let's debate that and let's, you know, vote on, amending that. But we need to be really careful is to not use perfect alignment with the state as the benchmark.

Because, for example, we're not aligned with the state on the 50 dollar threshold. So.

We what we're doing here, at least the current proposal and part of the reason I kind of like where it is.

Is it gives us far more flexibility?

On the what I'll call the day to day interactions. Right? So if you're meeting with somebody, and they're buying you a cup of coffee, right?

Okay. Not a big deal. Right? Not violating any laws whatsoever.

Um, you know, but if it's starting to get above that 50 dollar amount, then it's questioned.

The, uh, uh, we are.

When the question came up okay now, do we, we've added that beyond what the state gets, but do we keep this other thing?

Which is much broader and allows for again what I'll call fairly big dollar items or big dollar opportunities. And again I'll take, uh, I'll go out there and give an example, right?

If Churchill downs gave us all tickets to the Kentucky, which they don't to be super clear. They've not offered that, but if they did, that would be in compliance.

With if we made that, if we, if we wrote the law that way the way the state is, they would be allowed to do that. Now, I will say the counter arguments that which I have heard from a state lobbyist is that it still needs to be disclosed.

So yeah. So so I want to be super clear about both sides of this argument to everybody if we were to add that in.

That's fine. I would not argue that we're aligning with the state on doing that, because we're not on the 50 dollars thing. We would just be making the call independently on whether or not. That's the right thing to do for the city. If we do that.

It's still all needs to be disclosed and again I'm pointing that out because if we were to pass that, and if we all got the invite and if you go.

Then that's going to be disclosed right? And it's a very kind way.

This lobbyist said, if you don't mind Joe, who is the reporter for the courier Journal, putting in front page that you attended this event and, you know, then there's your check on that. Right?

So so anyway, just wanted to put all that out there. If we were to go that route.

It still needs to be disclosed and so, uh, W, which we don't currently do at all.

"Chair Ackerson"

So thank you read your next few any of the floor uh,

"Committee Member Reed"

thank you. Mr.

chair and just a couple of questions for councilman Hollander who, uh, I think you've done a great job. You've been a very open door policy in terms of questions. So thank you for that.

Um, so did you say that the, uh, cooling off period is 1 year or 2 years? I didn't quite understand.

"Council Member Hollander"

It's in the, in the draft up.

That has been changed from 2 years to 1 year.

"Committee Member Reed"

Okay.

All right, and we were talking a little bit about, uh, Metro agencies, quasi agencies. And I guess my question is this we've all had situations when directors of.

Uh, the zoo, or have come to us and asked, uh, to support their, um, goal to get, um, increases in terms of how much money that they can, um, that they can raise taxes by et cetera et cetera is, is that. Considered lobbying or not?

"Council Member Hollander"

No so there's an exception, um, from the lobbyists this is at the top of page 6.

Lobbying does not include an elected or appointed officer, or employee of a federal state, or local governmental agency are of a political subdivision who attempts to influence a metro officer in his or her fiduciary capacity as a representative of his, her agency, public college or university or political subdivision.

"Committee Member Reed"

Okay.

Okay, that answers my question. Thank you, Valerie,

"Chair Ackerson"

your next step queue and you hit the floor, Madam.

"Committee Member Fowler"

Uh, thank you, sir. Um, so I have another question for Bill. It raised a question when council woman George was talking about.

Lobbying for, and I can't remember if a straight street lights or whatever um, somebody calls your office. They want speed humps and, you know, we're talking about, you know, could be 10,000 dollars to do any certain road. And my office will pay for half of that. If they come up with the other half, is that considered lobby?

"Council Member Hollander"

No, because they're not being paid so so it's very clear in the law that and this is what councilman and he was saying. Grassroots ordinary people who are not being paid, can lobby. All they want, and it's not considered lobbying. So constituent can call you about anything and say, I would like, you know, I would like a, uh. Speed home street lights, whatever that that is not lobbying. Now. Okay, so from white Council, when majority was talking about, she specifically mentioned if somebody who owns a business. Right? So somebody who owns a business saying I like this for my business, but no, none of. None of that grassroots individual contact with somebody who is not being paid to lobby is lobby.

"Committee Member Fowler"

Okay, so but what if a business calls and says that I want. You know, I'd like to go through the process of getting speed. I mean, so, does that change things. Are they did they go from being a constituent or at that point to being a lobbyists because they own a business on that street.

"Council Member Hollander"

If someone owns a business on the street and is being paid to contact you for a speed hump. And they want you to pay for it not talking about how do I get a speed on but they're asking you, will you pay for that speed up? Yes, I think that would be logging and eventually they need to register and again that's a 2 page form. Saying, um, Joe blow and I work at X Y, Z company and I've lobbied, um, for the speed bumps.

"Committee Member Fowler"

Okay, but again, they would just be. Going along with the rest of the street to, um, join in the 70% needed. Um, and and they're half of the funding. So, I mean, to me, they're, they're funding. Would preclude them from having to register a bit. Maybe I don't understand. Do you know what I'm saying? If they're having to put me in the game. Then just like everybody else on the street where they own a business or not. Does that make sense?

"Chair Ackerson"

Can I comment on that council? 1?

I think what do you, what you're talking about, is if they've got to come up with the money to pay half that's different, he's talking about, if you're being paid, you know, if I pay you to show up at councilman fox's office, I give you 100 bucks right. right

Now, now go talk to Fox and get us those speed bumps. Now you're lobbyist, you're getting paid, but if you're a business.

And you're not getting paid to advocate, you might be under your scenario being requested to come up with funds to donate half the cost but you're not getting paid. Bill. Am I wrong about that?

The issue is, are you paid or not paid to advocate the, the cause?

"Council Member Hollander"

Well, again, I think, if you're if you're if you own that business, you are being paid, that's 1 of the things you're doing is part of your payment, right? So, you're yes, you can jump in here.

Uh, yes, I do think that business asking for.

For a city appropriation, uh, would need to register and it gets again.

I want to make it clear. This is not a prohibition. It is a registration.

"Committee Member Fowler"

Well, I, I think clearly we have a lot of work to do so I don't know if there's anybody in the queue again, but, um.

And I would like to move to table this.

"Chair Ackerson"

That there are 2 folks in the queue, Madam. Oh, okay. I'll back off again.

The next to the queue and, you know, the floor

"Council Member George"

Thank you chair.

I think what council member Fowler is maybe referring to is just the challenges with the practicality of having a business owner who is or somebody not a business owner. Let's say it's the manager.

I had the manager of save a lot call me yesterday like.

The practicality of having someone who's going to reach out to you 1 or 2 times a year about.

In their mind, their colon about the camera, right they're not thinking about how it's going to be funded because in their mind, the city should pay for everything.

In that conversation, it then becomes apparent, you're not getting an extra camera unless there's some level of funding, whether it's the council office, whether it's a joint sort of 50, 50 that the council member or founders referring to, whether we're talking about cameras, speed humps, you know.

I think the bigger point is, is that it.

A question, the practicality that then you're going to have this business owner, or I'm sorry business manager who is getting paid then go and file to register.

Because again, I don't think they're calling necessarily with the intent of asking for funding, but I think no doubt that's where that leads, right especially when they realize public works isn't funding your speed bumps that's that's coming directly from the council office.

I also think we have nonprofits and I've mentioned this before that. You know, 2 in particular are are funded through council offices that work with the community to identify community driven goals around advocacy and because of the broad definition of lobbying.

They theoretically will be lobbying and I think that's another consideration that, um, I'm still trying to piece through and so.

I would just say, like, I think obviously lots of work has gone into the amendments and it, it's certainly, um.

Uh, and in the right direction,

"Council Member Hollander"

I could ask about that. Are we referring to where council members pay people to lobby the government.

Is that what that reference do.

Yeah respond yes.

"Council Member George"

Okay. What I'm referring to is council offices who pay for consultants and as part of that consultant work, the scope of that work would be to work with the community to, for instance, draft plans.

And identify items from that quarter plan that they're going to collectively advocate and move forward.

That's what I'm referring to.

"Council Member Hollander"

Okay, thank you.

"Chair Ackerson"

Jasmine Fox, you're next to the queue and you have a floor.

"Committee Member Fox"

Thank you Mr. chair I like and agree.

Like, and degree with a big chunk. So this but where I see the slope getting a little slippery.

Going back to the earlier part of our committee meeting several of us myself, I didn't make the comment, but I had the.

Interaction several of us said we talked to organized labor.

So that in my mind.

Is our job to advocate on behalf of large groups of the community? Some of those are represented by labor unions and some of those.

Some of those, uh, presidents are paid and it's their full time job. Are they paid lobbyists? No, but there's certainly paid.

To look out for the members of the union they represent and that's where I think we can just need to be really careful. I'll support the table because I want to read the latest amendment by substitution in in great detail.

Because there are some places where the slope can get it pretty slippery and I just want to make sure we don't in virtually get out on 1 of those lambs and and regret having it. But I to come in my colleague for this work.

It's great work. And it's great, it's bigger great debate. I know it's been laying here a long time, but you gotta say I've found a lot of value in the debate. So thank you. Mr. chairman.

"Chair Ackerson"

Or you can execute and you hit the floor.

"Committee Member Winkler"

Thank you. I would just direct my question to council on Hollander. If I might related to the point that the council when George brought up about the business owner, who's.

Advocating or lobbying, depending on your definition for the speed hump. Um, so, 1st of all correct me if I'm wrong with the onus to register is on.

That individual not on the council member, right?

What is the penalty if they, like, are just.

Not familiar with the law, right? Because I think to counsel majority point, the average lay person is not going to even consider, you know. I think there are people who are professional lobbyist, right? They have an obligation to be familiar.

With the law, right? I'm going to guess that the business down the street probably doesn't study the metro lobbying ordinance.

Um, and know to to register when they call, because they want a, a camera or a speed up, what is the penalty if they fail to register.

"Alice Lyon"

Let's do you want to respond to that?

We amended the existing powers that the ethics commission has to enforce violations and that's I'm looking at, um, page 31 in. in

The version is before us now, and if the violation more unintentional, the ethics commission issues, and notice of madness, so they look into it they decide that you didn't attend to violate they make the public aware that.

That complaint is moot now, if they decided that it was a good faith misinterpretation, then in that case, they, they add a letter of reprimand that would be made public.

If it's an intentional violation.

In that case, there's a letter of reprimand and there may be fines associated and there's this section.

On the next, it goes on to page 32 about what those might be and and what the conditions are and it gets pretty complicated there, but that all happens through a hearing in front of the commission.

"Committee Member Winkler"

Right. So, in other words, there has to be an accusation of wrongdoing. There is discretion by the ethics commission to determine did this business owner willfully and intentionally.

Uh, violate the law, or was it just, you know, an accident because they didn't know and then the ethic commission has discretion.

And to address appropriately that's correct.

Thank you

"Chair Ackerson"

we have council 1, Fowler and counsel, and in the queue.

Council and power, do you mind if we let council and then you'll have you last.

"Committee Member Fowler"

That's fine. I just wanted to follow up on what, um, was saying if I could, um, you know, is it.

Is it the council's responsibility to make, um, the business owner, or whoever aware.

That their next contact to our office would necessitate them registering.

As a lobbyist

"Council Member Hollander"

no.

"Committee Member Fowler"

Okay, okay. Um, I'll go on now and let you.

"Vice Chair Piagentini"

Get canceled and Jamie Thank you. Ma'am. Ph. D. before Thank you. Just 1 thing for Fox. Uh, you brought up labor unions.

Uh, sort of the labor unions are not regular constituencies.

Like, it's, they're not regular constituencies, like, they, according to state regulations, they are organized, and once they organize, including fundraising, including paying lobbyists and all of that,

um, they're an advocacy organization. Right? And they're and they so so you made the comment about, you know, talking to labor organizations as part of our job most certainly it is but they are organized.

Organize lobbying just like many of the businesses right? They, they, uh, like, for example, uh.

I know some of these, I'm trying to think of who was represented by.

That's not in the public sector. It's represented by a union.

Yeah, for perfect example United Auto workers, right? So, you know, we meet with Ford, we meet the United Auto workers, but for it as an organized organization, they've got money. They're paying lobbyists.

That's what their union is doing as well. They're organized to do. So.

So, I just want to make sure we're clear that we.

And maybe I misinterpreted your comment, you're not saying that they should be exempted from it.

"Committee Member Fox"

No, I'm well aware of what your labor union is, but thank you. The, I mean, that I'm saying, these folks, the president is being paid. And the language in this order that says. A paid lobbyist and part of their job technically by this ordinance, they are a paid lobbyist. Period and they may be president of blank, blank Union. But they received money and they advocate on behalf of their members visa V. a lobbyist. That was kind of my point. Okay. With that. Yeah. Thanks.

"Vice Chair Piagentini"

Yeah. No, I, I was just for a 2nd, I thought you were saying something else, so you clarified it. Uh, thank you and I'll go ahead and make the motion to table on, on behalf of, uh, councilman founder.

"Chair Ackerson"

gazmin Fowler, counselor and PC beat you to the motion to table. 2nd, motion tables, enforce any discussion on it. I actually can't be in the discussion for most table.

"Committee Member Winkler"

So wait, I'm sorry. We are we going to vote on the amendment just for just for housekeeping.

"Chair Ackerson"

John Smith talks is going to withdraw his. 2nd.

"Committee Member Fox"

Absolutely. Okay. The items not before us. Let's do a. Voice a voice all in favor to amend by substitution to the present version we've been discussing today. I. Any opposition in our position we now have the new amended version before us that we could all work by. Now. That's what H. T.

"Committee Member Fox"

Spanish.
Seconds

"Chair Ackerson"

all right that item 2 tables before us, voice vote all in favor say, aye aye.

Any opposition in opposition that Adam is tabled and we are adjourned.