

Captioning Transcript of Government Oversight and Audit Committee Meeting - November 1, 2022

"Chair Ackerson"

Good evening. This is the regularly scheduled. The government oversight audit committee meeting in attendance is Council.

Councilman Dorsey councilman Arthur.

Counseling p.H. D myself virtually we have counselor and Reed.

Catherine BLACKWELL is.

On the screen counsel Winkle, it would be a few seconds late and.

Council and Tyler is virtually attendance and councilman you call George.

Will have a excused absences customer does have asked more questions.

And counseling Benson has an excused absences. This meeting is being held, pursued to 61 8.

Point 806 and counsel rule 5 a.

Councilman McKinney has joined also, and I've been asked by the clerk to remind councilman Blackwell and councilman.

That they need to have their screens on.

Okay.

So, right now we're going to have 2 items today. 1 is going to be an appointment and the other is going to be Council on calendars, lobbying ordinance. So, let's start off with that number 1, AP, 110122tbthe

appointment of Tyler BLACKWELL to the commission on public art.

tyler blackwell to the commission on public art

A coupon board term expires October 24th. 2026. is there a motion motion?

"Committee Member Reed"

In a 2nd.

"Chair Ackerson"

I was probably before Christmas Jackson, you have the floor

"Althea Jackson"

out the Jackson from air fisher's office boards and commissions we are asking for the appointment of Tyler black.

Well, to the cobra board, Tyler will be replacing a outgoing member due to a resignation.

Tyler is a contemporary curator with the speed museum, and this seat is for an arts professional. Mr. BLACKWELL was traveling today. So he was.

Unable to join that virtually or in person, but we are asking for his appointment.

"Chair Ackerson"

Does anyone have any questions or concerns that would require us to hold up this appointment?

Canceled patient deals with handout not a question that will hold up the appointment but MS Jackson, if we can reach out to Mr. black. Well, I

would like to understand his thoughts on the king Louis statue specifically.

I want to know if he believes that it is in any way, considered a contested statue. If there's any controversy about it or if you have any concern with supporting the full restoration of it and placing it. I. There's to be a lot of conversation about where to place it, but but placing it in the public venue and making it publicly available again. I just want to make sure I understand his position on that, but we'll go ahead and move forward supporting this today. But before the full council vote, I would like to hear from him on Monday.

Do you want him to be in person or how would you like to receive that? No, just email is fine. Yeah. If you can just give him my email address and he can email me directly. That will be just fine if he could give me his thoughts on that. Thank you. Cool.

That's fine too. If you want to give me his phone number, I'll call them, but either way either via phone email, whatever is the easiest way to do it. Well, we'll do that together. Yeah.

Perfect, thank you. Anyone else have any questions or concerns.

For the record we've been joined by councilman holding Stewart and customer Fox.

All right, this is an appointment requires a voice photos in favor say, aye aye aye.

The opposition, you know, opposition that passes unanimously I shall be sent to the consent calendar.

The next item on our agenda, we'll be holding item number 2. we're holding item number 4. so let's get down to item number 3.

0 or O, Dash 058 dash 22 an ordinance amending sections 21 to 285 to 106 2199 and a little metro code of ordinances and creating a new section of the little metric of order says, chapter 21 relating to the lobbying metro officers as amended by substitution that.

metric of order says chapter twenty one relating to the lobbying metro officers as amended by substitution that

Is your motion on the table motion? 4th.

The items probably before us council calendar, we're going to tender the floor to, you.

"Council Member Hollander"

Thank you Mr. chair. So we do have a proposed committee amendment. It's on the 1st item on the, on the agenda proposed the a M11 122.

And I was to just speak to those changes.

And I'll talk very briefly about the purpose of the entire organs. So, what we've tried to do is we tried to do from the beginning is address people's concerns.

There were a few concerns raised at the last meeting.

And and I've had 1 communication since then that I'll also address and we've tried to address those concerns.

1st of all I, I think it's very important to remember.

That a contact by a citizen who is not being paid is never.

Lobbying a contact by a business.

About a routine, operational licensing or compliance matter is also never lobbying. There was a hypothetical raised at the last meeting about a business, which might contact a member. For example.

About an issue, which might also involve a small appropriation.

That helps that business along with others and the reference was, what about a speed that might be in front of a store, and also in front of some residents or what about a streetlight that's going to light the area and would that business have to register as lobbyist because they're contacting people again if it's just an operational issue, it's never lobbying, but if there's an appropriation would that.

Potentially be an issue, so we put in a another section, which says, and this is on.

Um, page 5.

Item 12 communications about community issues, which might require an appropriation of 25,000 dollars or less.

Which benefits to them more persons, such as a speed hump and a street light not obviously limited to those is also not lobbying.

We tried to take care of that potential issue there.

Section 11 is another section that's been added.

And these are all in is another section that's been added to deal with.

Administrative cases, including planning and zoning, so, for example, and we heard from some people in the development community, they are fully listed in the administrative case as on the attorney of record. In this case.

I employ a traffic engineer in this case.

Everybody knows that if those people then contact Emily Lou, and remember this affects both administrative and executive branch or executive and legislative branch employees.

Or, at some point contacts, a council member about that zoning case, we've put in section 11 to make it clear that that's also not lobbying.

And then the final change that was some discussion about.

Um.

A lobbyist or an employers.

Entertainment of a metro officer, there's a provision which says, and we talked about why this is there that, you know, if you're going through a buffet line at an event, we don't want somebody saying, well, you can't do that because I'm a lobbyist and so you can't you can't take into the food that provision is staying in here. We've also added that.

If all metro council members are invited to an event, and the expenses for that event could be up to 100 dollars per metro officer. And that's on page 13 of the.

Of the document, so there's also just 1 change in making the registration statements valid until the end of even numbered years Alice may want to speak to. This was originally written as.

A number of years, this is designed so that there wouldn't be reports.

This year essentially, if this ordinances passed this year, so this is again to make this more administrative ease.

Have I captured everything that's in this new amendment Alice line if. Call on her,

"Alice Lyon"

I was going to point out the even number of years, but you captured that and that's because there's a 6 month delay in implementation. So it would be around. May.

When the registrations began we wanted, so we wanted those to be valid for longer than just a few months.

"Council Member Hollander"

We've also said and councilman, he had a question about the issue of, um. Industrial prospect, if you would somebody contacts us, they want to talk about an incentive package they're not now.

And this is language that we took from the open, I believe, from the open records and saying, if they're not known to people, they contact you about our, an administrative or an executive branch employee. And again, we have to remember that.

This is not just us. This is also covering the executive branch, then that's not.

Lobbying either so those are the changes that we've made in this proposal. I'll just comment. I'm happy to answer any questions about any of those. I just want to comment just very briefly. I've gone through this several times.

You know, we are unusual as a community of our size and not having any lobbying registration or regulations.

I've been told that by people who lobby that it's.

You know, they're not used to coming into a government of this size and not having any registration or a regulations.

Indianapolis, Cincinnati, Nashville, just the name of you all do.

We made a proposal, I think people will recognize we've made a lot of changes. We've heard a lot of comments, or there are other ways of doing some of this. Absolutely.

Counselor and has made a good point that we need to start with something. And this is something that will probably be amended in future years.

As we see what happens, but I think having some kind of registration and. And regulation is important, I think it's.

It's a good government move and I would urge your approval. I'm happy to answer any questions that anybody has.

"Vice Chair Piagentini"

Now, can I go ahead and make a motion to put this on the table?

"Council Member Hollander"

Absolutely, you can't. So, I'd appreciate that.

"Chair Ackerson"

Yeah, I mean, it's probably moved and seconded to men by substitution is what we're doing here.

I just before it's a voice vote all in favor say, aye aye.

In opposition is that the present amended version is now before us.

Any questions or concerns counsel, you're in the queue you have the 4, sir

"Vice Chair Piagentini"

Thank you. I do maybe a clarifying question for counseling onto the current version. Um.

We, how do I describe this?

Sometimes we've had people who have simultaneously worked for counsel while working for other organizations, quasi government, this type of thing.

I'm assuming that.

Doesn't isn't impacted your interpretation of this the way that the current amendment by substitution is it would not impact that is that accurate.

"Council Member Hollander"

I'd ask Alice about that. I don't know.

I don't believe there's any prohibition on that

"Vice Chair Piagentini"

and to be clear. I'm thinking of organizations L. G. E. water company waterfront development corporation. Right? These are those funky gray area areas where we either.

Technically we own the organization and or they are franchise by us exclusively and or their a quasi government agency that we approve their budget. Right? You know, in each of those fall into these different categories.

"Alice Lyon"

There is an exception to the definition of lobbyists that might.

Help here, um.

On page 6 of the document, the 3rd subsection under the definition of lobbyists says an elected or appointed officer or employee of a federal state, local government agency or political subdivision.

So that's that's under the pieces that says lobbyists does not include

"Vice Chair Piagentini"

got it. Okay. Perfect. Thank you so, I think that answers that and then 1 more clarifying questions. Sure.

For accountant, we talked about this for.

A quick 2nd, before before the prior meeting, but.

My understanding that this does apply to the county attorney. Correct?

That's correct as a metro officer. That's right. Got it, but not.

Or, let me ask, are any of the county attorney staff considered metro officers, or even.

"Council Member Hollander"

You know, in this case county attorney, or.

Uh, you know, top level staff, so maybe not.

You know, attorneys in all the attorneys in the office, but are any any of them be considered at this point.

Part of this, and I don't have in front of me the list of metro officers Alice might.

"Alice Lyon"

Let me try to find that online. I'm not finding my hard copy.

"Council Member Hollander"

We, we have not changed the definition of metro officers here. So, whatever the definition of metro officers is in the existing ethics laws those are the people covered by the ordinance.

"Chair Ackerson"

And I believe the existing ethics law specifically. Talks about the county office with the county attorney and things like that county clerk and I believe that it includes their employees.

"Council Member Hollander"

Well, I don't know the answer to that.

"Alice Lyon"

I'm looking at the definition of metro officer. Any person elected, or appointed to the office. Mayor metric Council, county, attorney, sheriff county clerk surveyor, constable or coroner and any person appointed as deputy mayor cabinet secretary, chief, deputy chief, administrative officer, chief of operations agency director, any housing authority officer. Department director for metro government, a legislative assistant to a metro council member, a metro council caucus staff member and all staff members that report to either are both caucuses. And then there's sections K and L. Any position determined by a person identified in subsection 1. so that's that list of sort of constitutional officers that has the authority to enter into contracts. And any person nominated, or appointed by the mayor. Or a metro Council, or a metro agency with regulatory authority.

"Chair Ackerson"

So, Alice, let me ask you about this the. Employees of the county Attorney's office they take an oath and they're sworn in. They're pointed to that office. They may not bear the title county attorney, but they bear the title assistant county attorney. And they are sworn into that office. So under that understanding with yourself, as an assistant county attorney be held to. The requirements of the ethics ordinance,

"Alice Lyon"

I'd want to take some time to look through that question.

Okay, I'll see what I've got here. Okay.

"Vice Chair Piagentini"

Yeah, and I think for interest of time and continuing the discussion, I am fine with moving forward and leaving this open. I mean, if you have a more definitive answer by the end of the meeting, terrific, if not, we can, we can discuss it offline after the meeting and then, you know, if we feel compelled to make an alteration, we could do that on the floor at Council. So, um, but, yeah, I did want to make sure that we were all 100% clear, and I will say that I've heard both arguments. Let me just be clear about my position is on this. I've heard both. Those that are saying, well, you know, the county Attorney's office and attorneys that are part of that, or you don't have influence over policy. And, and just like there's prohibitions on things like, you know, the caucus communications director, um, in taking a lobbying position immediately afterwards. There should be similar prohibitions for the members of the county Attorney's office, because they're part and parcel of this legislative process on the flip side of that. I would say that I do recognize. There's a difference between sort of the higher ranking members of the county Attorney's office, and the rank and file attorneys that just make up the county Attorney's office. Very similar to the executive branch. You have high level officials that are part of this and then there's many members of the executive branch who are not so, you know, I'm sympathetic to both. I just want to make sure we're super clear on who is included. And who is not before we pass in. So okay. Thank you. Mr. chair.

"Chair Ackerson"

Anyone else have any questions or concerns regarding the admitted by substitution version. I will say that I do, and my specific concern relates to. Section 4. Under E2 and that's the section we talked about earlier. Uh. I think it started off with a 250 dollars cap, and then it was moved down to 0 and then it was moved up now to 100 dollars at the state level. When you invite everyone to an event, you're not capped at all. I recognize that that's probably not a good thing. So, a cap, I think is important. My concern is that when we have a 100 dollar cap. I mean, the reality is price is today when you go to the event, it's a 10,150 dollars ticket to get there. You know, a lot of these things include a meal and so my concern is by putting the cap, there will be events that will be important for us to be at, but unfortunately won't be able to be at because it will be over the cap price wise. Additionally, there's some events that we may want to take spouse to. And so I would, I would suggest that we take that from the 100 to 300 dollar cap.

That would be my suggestion to be inclusive and to make sure that we're not cutting ourselves off from attending certain events that are important to be at and be seen at and talk to individuals. And then additionally the occasion that.

1 of those events might fall on an evening when you think well.

It'd be nice to have my spouse here. Verses, telling her or him that, uh. You know, can't can't can't go on.

You know, find something else to do. It's important for me to be here at this, this event. So.

I would make a motion to amend that. Is there any 1 of the same mindset that would 2nd, that.

"Vice Chair Piagentini"

2nd,

"Council Member Hollander"

I can speak to that a minute and I have no objection to that. So, what we're talking about is at the top of page 14, where it says.

At the end of the new section 2, where it says does not exceed 100 dollars, it would be changed at 300 dollars per individual officer. And I don't have a I don't have a vote here, but I, I.

I have heard from some organizations that are.

Not regularly, but sometimes invite people to events that the 100 dollar limit is problematic for, for being able to continue to do that, including.

justThe University of global, for example. So it seems like a reasonable. Motion, and I would also say, I, I do think that the unlimited amount is. Problematic for lots of reasons, including some invitations that we've recently received, but.

Is my comment on that

"Chair Ackerson"

anyone else have any questions or concerns regarding that amendment?

That's 1 of the craney is in the wave you have the format them.

"Committee Member McCraney"

Thank you Mister chairman, we may have discussed this in in great lit already.

But can we talk about the invitations that we get from Churchill downs during Derby time and the amount of the ticket prices there, where does that fall in this conversation?

"Council Member Hollander"

It like, we have an answer that it really doesn't because you pay you pay a complete full ticket price for that event.

So, it doesn't really they're, they're not providing you.

Uh, with the cost of attendance or our participation at the event.

"Chair Ackerson"

But I think it would encompass I think it would encompass the brunch or the breakfast that is, has been supplied in the past before for all the elected officials to get together and talk Transportations provided from the branch to that's something that, that that. You know, is going to be affected by this.

"Council Member Hollander"

Right I agree with that.

"Chair Ackerson"

Any other questions or concerns for any. You're none the amendment to take the maximum amount from 100 dollars to 300 dollars is a voice vote all in favor say, aye. Any opposition you're in opposition. So, amended anyone else have any questions or concerns regarding the amended version that's presently before. No, 1, Madam

"Alice Lyon"

cancel my. I have an answer about the assistant county attorney question. Assistant county attorneys are not in this ethics definition of metro officer. You mentioned the oath and that would come in if you were figuring out incompatible office questions or using state statutes. But for this ordinance, assistant county attorney's aren't. Under this what.

"Vice Chair Piagentini"

So, just to be clear, that would mean, literally, it's Michael Connell and nobody else from the county Attorney's office even even his most senior directly appointed people within his office.

"Alice Lyon"

Yes, and part of that is because we have on page. 14 in the document and subsection. F. We on Metro officers, we say that it includes the definition from. Um, all of 1 and 2. Subsequent to accepting subsections to K. M. L. and 2. K. and L. are the 2 that I read to you where. It was about having authority to do purchase contracts over 30,000 or nominated to a regulatory authority.

"Vice Chair Piagentini"

So, just to clarify, and I'm not going to I mean, I'm not going to hold it. We're going to vote on this today and if I want to bring something up to the floor, we'll do it but.

Just a clarifying question, if I wanted to add, for example, senior members, you know, again thinking org, chart structure to oversimplify this direct reports to Michael Connell.

And then whoever the, the elected county attorney is, uh, excluding others, I would need to rewrite like, there's no existing section of state statute that does that.

So I would have to write something very specific. I would either have to include every.

Or I would have to.

Parse out defining who these folks are correct,

"Alice Lyon"

correct and you'd have the option of doing that, either in the definition of metro officer that would change it for the entire ethics code in, or you'd have the option of doing it just in this ordinance for the lobbying portions online.

"Vice Chair Piagentini"

Okay, that that's good to understand. So I could do it 1. I could do it either way. I could do it just for this, or I could do it another way. That would that would that they would have to do the same disclosures that we all do.

And all of that extra work,

"Chair Ackerson"

I think that's a great call to Alice after the record.

"Vice Chair Piagentini"

Yes, yeah, no, we're not going to do that on the fly here. I just wanted to make sure I understood all the dynamics and if we want to make a decision to do that, we can after the vote. Thank you very much.

"Council Member Hollander"

You're in the queue yet for it yeah. It's just going to comment and I'm not.

I don't have a position on this. I do think.

As opposed to.

Calling out, assistant County, attorneys, just in the lobbying ordinance if we think that's important.

And I suggest that that really changed the definition of metro officers, which we didn't do at all as part of this office, as part of this ordinance.

So, you know, the disclosure requirements, for example, the financial disclosure requirements don't apply to them. I mean, we, we kept the same definition of metro officers. We did not change that at all in this.

"Chair Ackerson"

So anyone else with any questions or concerns.
Adam clerk, if you open up the voting.

"Olivia Bennett"

Committee member purpose.
Committee member purpose.

"Chair Ackerson"

Donna, I can't hear you.

"Committee Member Purvis"

No.

"Olivia Bennett"

Thank you committee member McCraney?

"Committee Member McCraney"

Yes.

"Olivia Bennett"

Remember BLACKWELL committee member failure.
I remember Winkler

"Committee Member Winkler"

yes,

"Olivia Bennett"

I remember Benson.
Mr. chair you have 81 novo and 1 not voting.

"Chair Ackerson"

That will go to old business and.
With a favorable recommendation other than that to Alice, thank you for
your working this customer holiday. Thank you for all your work on this
and.
That's it without a, without further issue we stand adjourned.