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LOUISVILLE METRO COUNCIL MEETING
WEDNESDAY, JUNE 27, 2018
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>> PRESIDENT JAMES: THIS SPECIAL LOUISVILLE METRO COUNCIL MEETING OF JUNE 27, 2018, WILL PLEASE COME TO ORDER. PLEASE RISE FOR THE PLEDGE ALLEGIANCE TO THE FLAG.

>> I PLEDGE ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA, AND TO THE REPUBLIC FOR WHICH IT STANDS, ONE NATION UNDER GOD, INDIVISIBLE, WITH LIBERTY AND JUSTICE FOR ALL.

>> PRESIDENT JAMES: MR. CLERK, A ROLL CALL, PLEASE.

>> MR. CLERK: COUNCIL MEMBER GREEN.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER SHANKLIN.

>> PRESENT.

>> MR. CLERK: COUNCIL MEMBER WOOLRIDGE. COUNCIL MEMBER SEXTON SMITH.

>> PRESENT.

>> MR. CLERK: COUNCIL MEMBER HAMILTON.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER JAMES.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER LEET.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER COAN.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER HOLLANDER. COUNCIL MEMBER MULVIHILL.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER KRAMER. COUNCIL MEMBER
BLACKWELL.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER AUBREY WELCH.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER FOWLER.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER BUTLER.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER REED.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER STUCKEL.

>> HERE. COUNCIL MEMBER COUNCIL MEMBER PARKER.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER DENTON. COUNCIL MEMBER BENSON.

>> PRESENT.

>> MR. CLERK: COUNCIL MEMBER LANSHIMA. COUNCIL MEMBER
ENGLE. COUNCIL MEMBER PEDEN.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER FLOOD.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER YATES. COUNCIL MEMBER
ACKERSON.

>> HERE.

>> MR. CLERK: COUNCIL MEMBER WOOLRIDGE. COUNCIL MEMBER KRAMER. COUNCIL MEMBER LANSHIMA. MR. PRESIDENT, YOU HAVE 20 IN ATTENDANCE AND A QUORUM.

>> PRESIDENT JAMES: THANK YOU, MR. CLERK. PLEASE LET THE RECORD REFLECT THAT COUNCIL MEMBER LANSHIMA, COUNCIL MEMBER YATES, COUNCIL MEMBER ENGLE, AND CONGRESSWOMAN DENTON ALL HAVE EXCUSED ABSENCES.

>> MR. CLERK: SO NOTED.

>> PRESIDENT JAMES: GREETINGS, COLLEAGUES, WE ARE HERE FOR A SPECIAL MEETING OF THE LOUISVILLE METRO COUNCIL. AS WE KNOW IN MARCH OF 2017 IT BECAME NEWS THAT A SEX ABUSE LAWSUIT WAS FILED AGAINST LMPD AND THE CITY OF LOUISVILLE BASED UPON ALLEGATIONS OF SEXUAL ABUSE OF SEVERAL CHILDREN THAT WERE TAKING PART OF A LMPD YOUTH EXPLORER PROGRAM AT THE HANDS OF CERTAIN LMPD OFFICERS. RESOLUTION 031 SERIES 2017 ADOPTED APRIL 13, 2017, PROPOSED A PAY OF \$50,000 TO DICKINSON WRIGHT PLLC FOR PROFESSIONAL SERVICES WITH RESPECT TO MATTERS RELATED TO THE LMPD YOUTH EXPLORE PROGRAM FROM MARCH 17, 2017, THROUGH MARCH 16, 2018. THE RESOLUTION WAS PROPOSED AND PASSED AT THE RECOMMENDATION OF THE MAYOR'S OFFICE. SINCE APRIL 13, 2017, MR. HARVEY HAS BEEN CONDUCTING AN ADMINISTRATIVE INVESTIGATION. ALSO DURING THIS SAME TIME FRAME LMPD PUBLIC INTEGRITY UNIT AND THE FBI HAVE BEEN CONDUCTING A CRIMINAL INVESTIGATION WITH THE

ASSISTANCE OF THE JEFFERSON COUNTY COMMONWEALTH ATTORNEY'S OFFICE AND THE WESTERN DISTRICT OF KENTUCKY U.S. ATTORNEY'S OFFICE. THESE INVESTIGATIONS ARE STILL ONGOING. MR. CLERK, PLEASE READ INTO THE RECORD THE CALL FOR THE SPECIAL MEETING.

>> MR. CLERK: PURSUANT TO RULE 1.05 AND 3.08 OF THE METRO COUNCIL RULES, WE, THE UNDERSIGNED, CALL FOR A SPECIAL MEETING OF THE LOUISVILLE METRO COUNCIL OF THE LOUISVILLE/JEFFERSON METRO GOVERNMENT TO BE HELD ON WEDNESDAY, JUNE 27, 2018, AT 3:00 P.M. IN COUNCIL CHAMBERS, THIRD FLOOR CITY HALL, 601 WEST JEFFERSON STREET, LOUISVILLE, KENTUCKY. THE PURPOSE OF THE SPECIAL E-MAIL IS REGARD TO THE FOLLOWING E-MAIL COMMUNICATION FROM METRO COUNCIL PRESIDENT DAVID JAMES. FROM LOUISVILLE METRO COUNCIL PRESIDENT DAVID JAMES AND METRO COUNTY ATTORNEY JONATHAN RICKETTS DATED JUNE 22, 2018. COLLEAGUES, THIS E-MAIL IS TO PROVIDE YOU WITH AN UPDATE ON THE LMPD POLICE EXPLORER SEX ABUSE INVESTIGATION AND THE HARVEY INVESTIGATION OF WHO KNEW WHAT, WHEN THEY KNEW IT, AND WHAT THEY DID OR DIDN'T DO ABOUT IT AND A TIME LINE OF EVENTS. OUR ATTORNEY, MR. RICKETTS, HAS HAD MEETINGS AND CONVERSATIONS WITH THE JEFFERSON COUNTY ATTORNEY'S OFFICE AND THE MAYOR'S OFFICE TO MAKE SURE WE ARE ABLE TO HAVE THE INFORMATION RELEASED TO THE METRO COUNCIL AND THE PUBLIC. THIS WEEK THE JEFFERSON COUNTY ATTORNEY'S OFFICE AND MR. RICKETTS TRAVELED TO LEXINGTON TO MEET WITH MR. HARVEY TO VIEW THE REPORT AND ANALYZE IT FOR ANY NEEDED REACTIONS. THEY FOUND

THREE BASIC AREAS OF REDACTIONS. ONE, ITEMS THAT WOULD BE IN CONFLICT TO FEDERAL COURT ORDERS. TWO, ITEMS THAT COULD POSSIBLY HARM CRIMINAL PROSECUTION OR IDENTIFY VICTIMS. THREE, ITEMS THAT WOULD BE IN VIOLATION OF STATE OR FEDERAL STATUTES IF RELEASED. THE UN-REDACTED REPORT IS 90 PAGES IN LENGTH. THE ATTORNEYS ALL AGREED ON WHAT SHOULD OR SHOULD NOT BE REDACTED. THAT DOCUMENT SHOULD BE FINALIZED AND SIGNED OFF ON THIS UPCOMING WEDNESDAY, JUNE 27TH. BECAUSE OF THAT, I LIKE TO CALL A SPECIAL METRO COUNCIL MEETING FOR WEDNESDAY, JUNE 27TH, AT 3:00 P.M. AS YOU KNOW, PER OUR RULES, THIS REQUIRES APPROVAL FROM 18 OF COUNCIL MEMBERS, I WILL BE WORKING TO GATHER THE REQUIRED SIGNATURES BETWEEN NOW AND NEXT TUESDAY. PURPOSE OF THE SPECIAL MEETING: ONE, REVIEW THE FULL REPORT FROM MR. HARVEY. TWO, RECEIVE INFORMATION FROM MR. HARVEY ABOUT THE INVESTIGATION. THREE, RECEIVE INFORMATION FROM METRO COUNCIL ATTORNEY, MR. RICKETTS, AND/OR HIS LAW PARTNER CHRISTOPHER BUSH, REGARDING THE REPORT AND REDACTION RECOMMENDATIONS. FOUR, VOTE YES/NO TO CONCUR WITH THE REDACTIONS RECOMMENDED BY COUNSEL. FIVE, VOTE YES OR NO TO RELEASE THE REDACTED REPORT TO THE PUBLIC. THE OPPORTUNITY TO ASK MR. HARVEY DETAILED QUESTIONS ABOUT THE REPORT WILL COME AT A LATER DATE. THE REPORT WILL BE ASSIGNED TO THE PUBLIC SAFETY COMMITTEE AND COUNCILWOMAN GREEN, WHO WILL SCHEDULE TIME FOR MR. HARVEY TO APPEAR BEFORE THE COMMITTEE TO ANSWER DETAILED QUESTIONS ABOUT THE REPORT. IF YOU HAVE ANY

QUESTIONS, PLEASE FEEL FREE TO CALL. THANK YOU FOR YOUR TIME AND SERVICE, DAVID. COUNCILMAN DAVID JAMES, PRESIDENT LOUISVILLE METRO COUNCIL, DISTRICT 6. THE CLERK'S OFFICE OBTAINED THE REQUIRED CONSENSUS OF 18 COUNCIL MEMBERS VIA SIGNATURE OR E-MAIL FROM COUNCIL MEMBER HOLLANDER, COUNCIL MEMBER REED, COUNCIL MEMBERS KRAMER, BENSON, STUCKEL, JAMES, PEDEN, SEXTON SMITH, BRYANT HAMILTON, WOOLRIDGE, DENTON, BLACKWELL, GREEN, FOWLER, SHANKLIN, LANSHIMA, ENGLE, AND MULVIHILL. READ IN FULL.

>> PRESIDENT JAMES: THANK YOU, MR. CLERK. WITH THAT BEING SAID, WITH THAT INFORMATION, AT THIS TIME I MOVE THE COUNCIL TO PROCEED IN CLOSED SESSION PURSUANT TO KRS 61.810 SECTION 1, SUBSECTION C AND K, TO DISCUSS THE REDACTION AND PUBLIC DISSEMINATION OF THE REPORT PREPARED BY THE LAW FIRM DICKINSON WRIGHT PLCC REGARDING THE INVESTIGATION. THE REPORT IS AN ATTORNEY-CLIENT COMMUNICATION, WHICH PERTAINS TO PENDING LITIGATION AGAINST METRO GOVERNMENT AND RELATION TO THE LOUISVILLE METRO POLICE DEPARTMENT'S YOUTH EXPLORER PROGRAM. THE REPORT CONTAINS INFORMATION IN PART THAT'S BELIEVED TO BE PROHIBITED FROM PUBLIC DISSEMINATION BY JUDICIAL PROTECTIVE ORDERS ENTERED IN ACTIVE CASES, WHICH ARE CURRENTLY PROCEEDING UNDER SEAL. THE REPORT IS ALSO BELIEVED TO CONTAIN INFORMATION WHICH IS PROHIBITED FROM DISSEMINATION UNDER STATE AND FEDERAL LAWS, WHICH PROTECT JUVENILE RECORDS MAINTAINED BY LAW ENFORCEMENT AND HEALTH CARE INFORMATION. THE REPORT IS ALSO

BELIEVED TO CONTAIN INFORMATION THAT MAY BE SENSITIVE TO ONE OR MORE ONGOING CRIMINAL INVESTIGATIONS. IN CLOSED SESSION, THE METRO COUNCIL WILL BE GIVEN ADVICE AND COUNSEL REGARDING THE EXTENT TO WHICH METRO COUNCIL MAY CHOOSE TO REDACT PORTIONS OF THE REPORT PRIOR TO ANY DISSEMINATION TO THE PUBLIC AND RESPECT TO LAW, ONGOING CRIMINAL INVESTIGATIONS. BASED UPON AVAILABLE FACTS, THE COUNCIL WILL ALSO DISCUSS WAIVER OF THE ATTORNEY-CLIENT PRIVILEGE, IN RELATION TO THE INFORMATION IN THE REPORT, WHICH THE COUNCIL MAY CHOOSE TO DISSEMINATE TO THE PUBLIC. FOR THESE REASONS, THE BUSINESS MUST BE DISCUSSED IN CLOSED SESSION, AS CONTEMPLATED BY KRSS 61.810, SUBSECTION 1, SECTION 1, SUBSECTION C AND K. THIS MOTION REQUIRES A SECOND.

>> SECOND.

>> PRESIDENT JAMES: ALL THOSE IN FAVOR SAY AYE. WE WILL GO TO CLOSED SESSION IN THE FIRST FLOOR CONFERENCE ROOM, PLEASE.

>> MR. PRESIDENT, BEFORE WE GO INTO SESSION --

>> PRESIDENT JAMES: YES, SIR.

>> THE QUESTION YOU JUST DECLARED THAT -- STATED THAT THIS IS THE MEMORANDUM CREATED BY MR. HARVEY AS AN ATTORNEY-CLIENT PRIVILEGE DOCUMENT, AND I'M TRYING TO GET A BETTER UNDERSTANDING OF THAT IN THE SENSE I DIDN'T THINK THAT THIS BODY HIRED MR. KERRY AS AN ATTORNEY, HE HAPPENS TO BE AN ATTORNEY, BUT HE WAS HIRED TO DO AN INVESTIGATION, SO THE QUESTION, ARE WE CLAIMING

THAT THE DOCUMENT -- THAT WE HAVE AN ATTORNEY-CLIENT
RELATIONSHIP AS A COUNCIL WITH MR. KERRY?

>> THAT'S THE CURRENT POSITION, AND IF WE WANT TO DISCUSS
IT FURTHER, WE'LL DISCUSS IT DOWNSTAIRS.

>> THANK YOU.

>> PRESIDENT JAMES: THANK YOU.

>> 30 SECONDS FOR METRO TV.

>> PRESIDENT JAMES: LOUISVILLE METRO COUNCIL WILL NOW
RECONVENE FROM CLOSED SESSION. MAY I HAVE A MOTION AND SECOND
FOR APPROVAL? ALL THOSE IN FAVOR SAY AYE. AYES HAVE IT. NO FINAL
ACTIONS WERE TAKEN DURING THE CLOSED SESSION. I WILL NOW
ENTERTAIN A MOTION TO -- TO ACCEPT THE -- I WILL NOW TAKE A
MOTION THAT WE HAVE A PARTIAL WAIVER OF -- I TAKE THAT BACK, I'M
SORRY. I WILL NOW ENTERTAIN A MOTION WE ACCEPT THE REDACTED
REPORT AS RELATES TO THE LMPD YOUTH EXPLORER SEX ABUSE PROGRAM
SEX ABUSE INVESTIGATION. IT'S BEEN PROPERLY MOVED AND SECONDED.
THIS IS AN ACTION THAT WILL REQUIRE A ROLL CALL VOTE. MR. CLERK,
WOULD YOU PLEASE OPEN THE VOTING? VOTING IS CLOSING.

>> I'M NOT SIGNED IN YET. OKAY. THANK YOU.

>> PRESIDENT JAMES: VOTING IS CLOSED. COUNCILMAN STUCKEL?
THERE WE GO.

>> MR. CLERK: THERE ARE 22 YES VOTES AND FOUR NOT VOTING.

>> PRESIDENT JAMES: THANK YOU. AS WE GO FORWARD, MR. CLERK, I DO KNOW THAT WE HAD AN EXCUSED ABSENCE THAT I NEED TO LIST, AND THAT WAS COUNCILWOMAN WOOLRIDGE.

>> MR. CLERK: CORRECT.

>> PRESIDENT JAMES: ALSO YOU HAD A CORRECTION TO MAKE AS FAR AS SIGNATURES.

>> MR. CLERK: YES, IT WAS JUST A SIMPLE OVERSIGHT IN THE CALL FOR THE SPECIAL MEETING. WE OVERLOOKED RECEIVING AN E-MAIL FROM COUNCIL MEMBER LEET, AND I WANTED TO MAKE SURE THAT WAS ON THE RECORD, THAT WE DID RECEIVE AN E-MAIL FROM COUNCIL MEMBER LEET.

>> PRESIDENT JAMES: THANK YOU.

>> IF YOU COULD PUT THE VOTING BACK UP THERE, I BELIEVE SOMEONE NOT HERE VOTED, LIKE THE PROBLEM WE HAD LAST NIGHT.

>> PRESIDENT JAMES: OKAY.

>> MR. CLERK: I DIDN'T CALL YOUR NAME? OKAY. IF I MAY CONTINUE, MR. PRESIDENT.

>> PRESIDENT JAMES: YES.

>> MR. CLERK: I APOLOGIZE. COUNCILMAN COAN JUST BROUGHT TO MY ATTENTION ALSO I OVERLOOKED HIS NAME ON THE CALL. FOR A SPECIAL MEETING.

>> PRESIDENT JAMES: THANK YOU. AND COUNCILWOMAN WELCH?

>> I, TOO, SENT AN E-MAIL FOR THE CALL FOR THE SPECIAL MEETING.

>> MR. CLERK: I'LL MAKE NOTE OF THAT.

>> OKAY, THANK YOU.

>> PRESIDENT JAMES: THANK YOU. AND CAN WE JUST GO BACK TO MAKE SURE THAT WE HAVE THE VOTES RECORDED PROPERLY IN THE ELECTRONIC SYSTEM? ALL RIGHT. ARE WE GOOD? THANK YOU. I WILL NOW ENTERTAIN A MOTION TO RELEASE ATTORNEY-CLIENT PRIVILEGE, LIMITED ATTORNEY-CLIENT PRIVILEGE, WITH THE DICKINSON WRIGHT PLLC AND MR. HARVEY AS IT RELATES TO THE LMPD YOUTH EXPLORER SEX ABUSE INVESTIGATION FOR THE REDACTED VERSION OF THAT REPORT.

>> MOTION TO WAIVE SUCH PRIVILEGE.

>> PRESIDENT JAMES: SECOND. IS THERE ANY DISCUSSION? COUNCILMAN ACKERSON?

>> THANK YOU, MR. PRESIDENT. I WILL BE VOTING PRESENT DURING THIS VOTE. I BELIEVE THE DOCUMENT SHOULD BE RELEASED TO THE PUBLIC. HOWEVER, I COMPLETELY DISAGREE THAT WHEN THIS BODY VOTED FOR THE ALLOCATION OF FUNDS TO BEGIN THIS INVESTIGATION AND TO HIRE THESE INVESTIGATORS, WE DID SUCH WITH THE ATTITUDE WE WERE HIRING INVESTIGATORS. NOWHERE IN THAT APPROPRIATION WAS I ASKED TO CONSIDER OR EVEN CONTEMPLATED THAT WE WERE HIRING ATTORNEYS FOR ATTORNEY-CLIENT PRIVILEGE, ESSENTIALLY, PREPARATION OF LITIGATION, SOMETHING ALONG THE LINES THAT A PRIVILEGE WOULD APPLY. IN MY OPINION, WE DO NOT HAVE AN ATTORNEY-CLIENT RELATIONSHIP IN THIS MATTER. YES, THE INVESTIGATORS HAPPEN TO BE ATTORNEYS, BUT THEY WERE NOT HIRED

FOR LITIGATION PURPOSES. THEY WERE NOT HIRED IN ANTICIPATION OR DEFENSE OF LITIGATION. THEY WERE HIRED TO INVESTIGATE AND INFORM THE PUBLIC AND MY CONSTITUENTS WHAT TOOK PLACE, AND AS SUCH, I DO NOT BELIEVE A PRIVILEGE EXISTS, SO I WILL NOT BE VOTING TO WAIVE SOMETHING THAT I DO NOT BELIEVE EXISTS. BY MY VOTE, IF I VOTED TO WAIVE SOMETHING I DIDN'T BELIEVE EXISTED, I'M COMPLICIT IN CREATING IT ALMOST, SO I'LL BE VOTING PRESENT. PUBLIC, I WANT YOU TO HAVE THIS INFORMATION, BUT I WILL NOT BE VOTING TO WAIVE A PRIVILEGE WHEN I DON'T BELIEVE ONE EXISTS, AND I INVITE THE PUBLIC TO CHALLENGE THAT PRIVILEGE. GO BACK AND WATCH THE VOTE THAT THIS BODY TOOK, THE DISCUSSION INVOLVED WHEN WE APPROPRIATED MONEY. WE APPROPRIATED MONEY FOR AN INVESTIGATION. YOU KNOW, NOW THERE MIGHT HAVE BEEN A SUBSEQUENT CONTRACT BETWEEN THE MAYOR'S OFFICE AND MR. HARVEY THAT SAYS HE'S BEING HIRED AS AN ATTORNEY. I WASN'T INVOLVED IN THAT CONTRACT. I WASN'T CONSULTED ON THAT CONTRACT, AND THAT CONTRACT WAS NOT CONTEMPLATED, THAT LANGUAGE, IF IT EXISTS, WAS NOT CONTEMPLATED BY THE REQUEST FOR THIS APPROPRIATION, NOR MY VOTE TO APPROPRIATE THIS MONEY. AS SUCH, AGAIN, I DO NOT BELIEVE A PRIVILEGE EXISTS, AND SO I WILL NOT VOTE ONE WAY OR THE OTHER TO WAIVE SOMETHING I DO NOT BELIEVE EXISTS IN THE FIRST PLACE. THANK YOU, MR. PRESIDENT.

>> PRESIDENT JAMES: THANK YOU, COUNCILMAN. COUNCILMAN KRAMER?

>> THANK YOU, MR. PRESIDENT. WE DID AS A COUNCIL HIRE AN ATTORNEY TO TAKE A LOOK AT THIS REPORT, AND THE ATTORNEY THAT WE HAVE HIRED HAS RECOMMENDED THESE REDACTIONS.

>> PRESIDENT JAMES: THAT'S CORRECT.

>> IN AN ABUNDANCE OF CAUTION, I'D LIKE TO WAIVE OUR RIGHT TO PRIVILEGE FOR OUR OWN ATTORNEY, TO MAKE SURE THIS REDACTION IS CONSISTENT WITH WHAT THEY DID FOR US, WHAT THEIR WORK PROJECT IS. THANK YOU.

>> PRESIDENT JAMES: THANK YOU. COUNCILWOMAN FLOOD.

>> WOULD YOU REPEAT -- COULD YOU HAVE COUNCILMAN KRAMER JUST REPEAT WHAT HE JUST SAID?

>> PRESIDENT JAMES: COUNCILMAN KRAMER?

>> THIS COUNCIL DID HIRE AN ATTORNEY, AND OUR ATTORNEY IS THE ONE WHO DID THE REDACTIONS, AND SO WE DO HAVE AN ATTORNEY-CLIENT PRIVILEGE WITH OUR ATTORNEY, AS IN REFERENCE TO THESE REDACTIONS. SO THAT'S THE PRIVILEGE -- I WOULD PROPOSE TO YOU THAT A MOMENT OF PRIVILEGES, I AT LEAST WOULD THINK WE WOULD WAIVE THOSE PRIVILEGES, AT LEAST SPECIFIC TO THESE REDACTIONS, WHICH IS EXACTLY WHAT THE MOTION IS ACTUALLY PROPOSING.

>> PRESIDENT JAMES: COUNCILWOMAN FLOOD?

>> THANK YOU, MR. PRESIDENT. SINCE COUNCILMAN ACKERSON MENTIONED THAT THE CONTRACT WAS SIGNED WITH THE MAYOR'S OFFICE, ALSO DO WE HAVE TO HAVE SOMETHING STATING THAT THE MAYOR IS ALSO

WAIVING HIS RIGHT? TO ATTORNEY-CLIENT PRIVILEGE, OR IS THAT JUST ASSUMED?

>> SO THIS BODY IS INDEPENDENT OF THE MAYOR.

>> I UNDERSTAND THAT, BUT HE JUST MENTIONED THAT IT WAS --

.

>> PRESIDENT JAMES: AND THEY ARE ALSO GOING TO BE RELEASING THE SAME INFORMATION WE ARE RELEASING. DOES THAT ANSWER YOUR QUESTION?

>> I JUST WANTED THAT ON RECORD. IT WASN'T US TRYING TO UPSTAGE OR USURP SOMEONE, AND ALSO I JUST WANT TO MAKE A STATEMENT THAT I DO BELIEVE AFTER CONVERSATIONS WITH MR. HARVEY, THAT HE DID BELIEVE THAT THAT PRIVILEGE EXISTED, SO, THEREFORE, I FEEL LIKE IN ALL FAIRNESS THAT WOULD HAVE TO WAIVE THAT RIGHT.

>> PRESIDENT JAMES: THANK YOU, COUNCILWOMAN. COUNCILWOMAN LEET?

>> THANK YOU, MR. PRESIDENT. I WOULD ALSO LIKE TO CLARIFY THE REDACTIONS WERE A COLLABORATIVE RECOMMENDATIONS AND NOT JUST OUR ATTORNEY'S RECOMMENDATION. THIS WAS INCLUSIVE OF THE MAYOR'S OFFICE ATTORNEY, MR. MOSELEY, AS WELL AS THE JEFFERSON COUNTY ATTORNEY'S OFFICE REPRESENTATIVES, ALONG WITH -- ALONG WITH OUR REPRESENTATIVE, AS WELL. SO I JUST WANTED TO CLARIFY THAT FOR THE RECORD. THANK YOU.

>> PRESIDENT JAMES: THAT IS CORRECT. COUNCILMAN ACKERSON.

>> YES, MR. PRESIDENT. I JUST WANT TO ALSO, FOR THE VIEWING PUBLIC, CLARIFY ANY VOTE ON THIS PRIVILEGE IS NOT SAYING WE AS A BODY AREN'T SAYING FOR THOSE OF YOU WHO VOTE ON THIS AREN'T SAYING WE WAIVE PRIVILEGE IN TOTALITY. THE PRIVILEGE BEING DISCUSSED IS SOLELY RELATED TO THIS REPORT, A LIMITED PRIVILEGE, SO THERE WILL BE THOSE IN THIS GOVERNMENT THAT COULD POTENTIALLY STILL HIDE BEHIND AND CONCEAL INFORMATION RELATED TO THIS BASED UPON THE CLAIM OF PRIVILEGE. THANK YOU.

>> PRESIDENT JAMES: THANK YOU. COUNCILWOMAN GREEN?

>> THANK YOU, MR. PRESIDENT. TO COUNCILMAN KRAMER'S POINT, RESPECTFULLY, I DISAGREE WITH MY COLLEAGUE THERE WOULD BE A WAIVER OF ANY PRIVILEGE WITH OUR COUNSEL. OUR COUNSEL DID NOT PREPARE THE DOCUMENT. THERE'S NOTHING IN THAT DOCUMENT THAT OUR COUNSEL ACTUALLY WROTE. THERE WAS JUST ADVICE THEY GAVE TO US ON THE LEVEL OF REDACTIONS, SO I DO NOT BELIEVE IT WOULD BE APPROPRIATE TO TAKE A WAIVER OF ATTORNEY-CLIENT PRIVILEGE FROM OUR OWN COUNSEL AT THIS POINT. THANK YOU.

>> PRESIDENT JAMES: THANK YOU. ANY FURTHER DISCUSSION? HEARING NONE, THIS IS AN ACTION THAT WILL REQUIRE A ROLL CALL VOTE. VOTING IS CLOSING. VOTING IS CLOSED.

>> MR. CLERK: THERE ARE 20 YES VOTES, ONE PRESENT, AND FIVE NOT VOTING. THE ONE PRESENT IS COUNCIL MEMBER ACKERSON.

>> PRESIDENT JAMES: THANK YOU. THE MOTION PASSES. AT THIS TIME I'D LIKE TO INVITE MR. HARVEY UP TO THE PODIUM, AND PLEASE

IDENTIFY YOURSELF AND I'VE ASKED MR. HARVEY TO -- I'M ASKING MR. HARVEY, TO JUST GIVE US A BRIEF SYNOPSIS OF THE REPORT AND THE PROCESS FOR COMPLETING THE REPORT, IF YOU DON'T MIND, PLEASE.

>> THANK YOU, MR. PRESIDENT, LADIES AND GENTLEMEN OF THE COUNCIL, MY NAME IS KERRY HARVEY, I'M A PARTNER WITH DICKINSON WRIGHT. I'M JOINED HERE TODAY BY MY PARTNER ANDREW SPARKS. AND, FIRST OF ALL, I WANT TO SAY THANK YOU TO ALL OF THE MEMBERS OF THE COUNCIL, AS WELL AS THE MAYOR'S OFFICE, FOR ENTRUSTING US WITH THIS ASSIGNMENT. IT HAS BEEN A DIFFICULT ASSIGNMENT, BUT WE KNOW THAT IT IS IMPORTANT. WE'LL ASSURE YOU THAT WE APPROACHED THIS TASK WITH THE SERIOUSNESS THAT IT DESERVES. WE HAVE TODAY DELIVERED THE REPORT OF OUR FINDINGS TO YOU. I KNOW THAT IT'S QUITE LENGTHY AND YOU CERTAINLY HAVEN'T HAD AN OPPORTUNITY TO REVIEW IT IN ANY DETAIL, SO I DON'T PROPOSE TO GO INTO A LONG DISSERTATION ABOUT OUR FINDINGS. I THINK THAT WOULD PROBABLY NOT BE USEFUL AT THIS TIME. I BELIEVE WE'LL BE COMING BACK TO A PUBLIC SAFETY MEETING IN THE FUTURE, IN MID-JULY, AT WHICH POINT WE WILL HAVE A MORE DETAILED DISCUSSION ABOUT OUR FINDINGS. AS I MENTIONED, MR. SPARKS IS WITH ME HERE TODAY. HE WAS THE CHIEF OF OUR FRAUD AND WHITE COLLAR AND PUBLIC CORRUPTION DIVISION IN THE U.S. ATTORNEY'S OFFICE IN THE ATTORNEY DISTRICT OF KENTUCKY, AND SO HE'S VERY WELL QUALIFIED TO WORK ON THIS PROJECT. WE ALSO BENEFITED GREATLY FROM THE SERVICES OF MR. CLAY MASON, WHO IS A RETIRED FBI AGENT. MR. MASON RAN THE FRANKFURT BUREAU OF THE FBI

FOR MANY YEARS, AND HE ASSISTED US IN THESE ENDEAVORS. WE ENCOUNTERED SOME DIFFICULTIES ALONG THE WAY. SOME WE ANTICIPATED, SOME WE DID NOT, AS WITH ANY INVESTIGATION INTO A COMPLEX MATTER, IT TAKES A LOT OF TWISTS AND TURNS. AT THE END OF THE DAY, WE ASSEMBLED, I THINK, A GREAT VOLUME OF INFORMATION FROM WHICH WE DREW OUR CONCLUSIONS. THERE WAS OTHER INFORMATION THAT WOULD HAVE PERHAPS FURTHER INFORMED OUR CONCLUSIONS THAT SIMPLY WAS NOT AVAILABLE TO US AND COULD CHANGE OUR CONCLUSIONS, BUT THIS IS TRUE IN ANY INVESTIGATION, WHETHER IT'S PRIVATE OR WHETHER IT'S A LAW ENFORCEMENT INVESTIGATION. TYPICALLY, THERE'S INFORMATION THAT YOU WOULD LIKE TO KNOW THAT YOU CAN JUST NEVER FIND OUT. AT THE END OF THE DAY, WE'VE DELIVERED OUR CONCLUSIONS TO YOU. MUCH OF THIS IS IN THE EYE OF THE BEHOLDER. WE'RE JUDGING HUMAN CONDUCT. YOU MIGHT LOOK AT THE SAME FACTS AND COME TO A DIFFERENT JUDGMENT AND, OF COURSE, EVERYBODY HAS THAT RIGHT. I CAN ASSURE YOU, HOWEVER, THAT THE CONCLUSIONS THAT WE REACHED WERE REACHED HONESTLY BASED UPON OUR EXPERIENCE AND WHAT WE LEARNED DURING THE COURSE OF THIS INQUIRY, AND THAT EVERY FINDING IS PLAYED RIGHT DOWN THE MIDDLE. WE PROCEEDED WITH ONLY ONE NORTH STAR IN THIS, AND THAT IS TO GET AS CLOSE TO THE TRUTH OF THIS AS WE POSSIBLY COULD. WE HOPE THAT THE REPORT THAT WE'VE DELIVERED WILL BE USEFUL TO YOU AND TO THE MAYOR'S OFFICE AND TO THE METRO GOVERNMENT IN IMPROVING YOUR OPERATIONS AND HAVING A BETTER, SAFER CITY. AND AGAIN, WE ARE HONORED TO WORK FOR THE

LOUISVILLE METRO GOVERNMENT, AND WE'RE HONORED TO BE HERE WITH YOU TODAY, AND WE APPRECIATE THE SERIOUSNESS OF THIS TASK AND THE SERIOUSNESS WITH WHICH YOU WILL APPROACH YOUR USE OF THE INFORMATION WE'VE DELIVERED TODAY. THANK YOU.

>> PRESIDENT JAMES: THANK YOU. WITH THAT BEING SAID, JULY THE 18TH AT 2:00 P.M. TO 4:30 P.M. WILL BE THE PUBLIC SAFETY COMMITTEE MEETING, WHERE MR. HARVEY WILL COME BACK TO PRESENT AND ANSWER QUESTIONS OF COUNCIL MEMBERS AND BE OPERATED BY COUNCILWOMAN GREEN, WHO'S THE CHAIR OF THAT COMMITTEE. VICE CHAIR IS COUNCILMAN PEDEN, AND WITH THAT BEING SAID, I WILL ENTERTAIN A MOTION TO -- THAT WE RELEASE THE REDACTED REPORT FROM MR. HARVEY AS IT RELATES TO LMPD YOUTH EXPLORER PROGRAM SEX ABUSE ADMINISTRATIVE INVESTIGATION. MAY I HAVE A MOTION?

>> MOVE.

>> SECOND.

>> PRESIDENT JAMES: MOTION BEFORE US HAS BEEN PROPERLY MOVED AND SECONDED. MR. CLERK, WOULD YOU PLEASE OPEN THE VOTING? VOTING IS CLOSING. AND VOTING IS CLOSED.

>> MR. CLERK: THERE ARE 21 YES VOTES AND FIVE NOT VOTING.

>> PRESIDENT JAMES: THANK YOU. THE VOTE PASSES. WITH THAT BEING SAID -- WITH THAT BEING SAID, I WILL NOW ENTERTAIN A MOTION TO ADJOURN.

>> SO MOVED.

>> PRESIDENT JAMES: OH, I'M SORRY. I FORGOT. MR. BUSH, COULD YOU PLEASE DISTRIBUTE THE REDACTED VERSIONS TO THE COUNCIL MEMBERS NOW, PLEASE? FOR THOSE OF YOU THAT ARE WATCHING ON TELEVISION, OR LIVE-STREAMING, THE COUNCIL IS RECEIVING THE REDACTED VERSION OF THE REPORT. THE REPORTS WILL BE DISTRIBUTED TO MEDIA OUTLETS HERE IN JUST A FEW MINUTES AND WILL ALSO BE POSTED ON THE METRO COUNCIL CLERK'S WEBSITE AND THE METRO COUNCIL WEBSITE. NOW I'LL ENTERTAIN A MOTION TO ADJOURN.

>> SO MOVED.

>> SECOND.

>> PRESIDENT JAMES: ALL THOSE IN FAVOR SAY AYE. OPPOSED? WE ARE ADJOURNED. THERE BEING NO FURTHER BUSINESS. THANK YOU.