



Louisville Metro Government

Action Summary - Final Government Oversight and Audit Committee

Chair Brent Ackerson (D-26)

Vice Chair Anthony Piagentini (R-19)

Committee Member Donna L. Purvis (D-5)

Committee Member Paula McCraney (D-7)

Committee Member Rick Blackwell (D-12)

Committee Member Mark H. Fox (D-13)

Committee Member Cindi Fowler (D-14)

Committee Member Scott Reed (R-16)

Committee Member Markus Winkler (D-17)

Committee Member Stuart Benson (R-20)

Committee Member Amy Holton Stewart (D-25)

Tuesday, February 8, 2022

5:00 PM

Council Chambers/Virtual

THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE

Call to Order

Chair Ackerson called the meeting to order at 5:01 p.m.

Roll Call

Chair Ackerson introduced the committee members and non-committee members present. A quorum was established.

NOTE: All committee members and non-committee members attended the meeting virtually, except Council Member Hollander, Vice Chair Piagentini, and Chair Ackerson, who attended in Chambers.

Present: 10 - Committee Member Donna L. Purvis (D-5), Committee Member Paula McCraney (D-7), Committee Member Rick Blackwell (D-12), Committee Member Cindi Fowler (D-14), Committee Member Scott Reed (R-16), Committee Member Markus Winkler (D-17), Vice Chair Anthony Piagentini (R-19), Committee Member Stuart Benson (R-20), Committee Member Amy Holton Stewart (D-25), and Chair Brent Ackerson (D-26)

Excused: 1 - Committee Member Mark H. Fox (D-13)

Non-Committee Member(s)

Council President David James (D-6), Council Member Bill Hollander (D-9), and Council Member Kevin Kramer (D-11)

Support Staff

Alice Lyon, Jefferson County Attorney's Office
Travis Fiechter, Jefferson County Attorney's Office
Kathryn Meador, Jefferson County Attorney's Office
Hollie Hopkins, Jefferson County Attorney's Office

Clerk(s)

Olivia Bennett, Assistant Clerk
Sonya Harward, Clerk

Pending Legislation

1. [AP020822RS](#)

APPOINTMENT OF RONYALE SMITH TO THE HUMAN RELATIONS ADVOCACY BOARD. (TERM EXPIRES SEPTEMBER 30, 2024)

Attachments: [APT Human Relations Advocacy Board 01.31.22..pdf](#)

[Ronyale Smith 01.31.22.pdf](#)

[Applicants for Board - Human Relations Advocacy Board 01.31.22.pdf](#)

[Current Board - Human Relations Advocacy Board 01.31.22.pdf](#)

A motion was made by Committee Member Winkler, seconded by Vice Chair Piagentini, that this Appointment be recommended for approval.

The following spoke to this item:

- Chair Ackerson
- Althea Jackson, Mayor's Office
- Ronyale Smith, Appointee

The following was discussed:

- The appointee is filling a vacancy
- The appointee has lived in Louisville/Jefferson County for 43 years
- The appointee is the President and CEO of Organized Business Solutions
- The appointee is a District 22 resident
- The appointee has previous experience with the University of Louisville Physicians as a COVID-19 special project manager

The motion carried by a voice vote and the Appointment was sent to the Consent Calendar.

2. [AP020822SC](#)

**APPOINTMENT OF STEVEN CARR TO THE COMMISSION FOR PERSONS WITH
DISABILITIES. (TERM EXPIRES DECEMBER 12, 2023)**

Attachments: [APT Commission for Persons with Disabilities 01.31.22..pdf](#)

[Steven Carr 01.31.22.pdf](#)

[Applicants - Commission for Persons with Disabilities - 01.31.22.pdf](#)

[Current Board - Commission for Persons with Disabilities 01.31.22.pdf](#)

A motion was made by Committee Member Winkler, seconded by Vice Chair Piagentini, that this Appointment be recommended for approval.

The following spoke to this item:

- Chair Ackerson
- Althea Jackson, Mayor's Office
- Steven Carr, Appointee
- Committee Member Reed

The following was discussed:

- The appointee would be a representative of Greater Louisville Inc. ("GLI")
- The appointee has been a Louisville/Jefferson County resident for 13 years
- The appointee is a director of Mattingly Edge and moving into a non-profit consultant role with 20/20 Consulting
- The appointee has spent entire adult career helping people with disabilities find solutions to navigate the world as adults

The motion carried by a voice vote and the Appointment was sent to the Consent Calendar.

3. [AP020822LM](#)

**APPOINTMENT OF LAUREN MOUNTZ TO THE COMMISSION FOR PERSONS WITH
DISABILITIES. (TERM EXPIRES DECEMBER 12, 2023)**

Attachments: [APT Commission for Persons with Disabilities 01.31.22..pdf](#)

[Lauren Mountz 01.31.22.pdf](#)

[Applicants - Commission for Persons with Disabilities LM -
01.31.22.pdf](#)

[Current Board - Commission for Persons with Disabilities 01.31.22.pdf](#)

A motion was made by Committee Member Winkler, seconded by Vice Chair Piagentini, that this Appointment be recommended for approval.

The following spoke to this item:

- Chair Ackerson
- Althea Jackson, Mayor's Office
- Lauren Mountz, Appointee
- Committee Member Reed

The following was discussed:

- The appointee is a 31 year resident of Louisville/Jefferson County
- The appointee is a housing program coordinator for the Center of Accessible Living
- The appointee is a District 8 resident
- The appointee would be representing an employee advocacy organization

The motion carried by a voice vote and the Appointment was sent to the Consent Calendar.

4. [AP020822KH](#)

**APPOINTMENT OF KARYN HASCAL TO THE BOARD OF HEALTH. (TERM EXPIRES
JULY 31, 2025)**

Attachments: [APT Board of Health 01.31.22.pdf](#)

[Karyn Hascal 1.31.22.pdf](#)

[Applicants for Board - Board of Health 01.31.22.pdf](#)

[Current Board - Board of Health 01.31.22.pdf](#)

A motion was made by Vice Chair Piagentini, seconded by Committee Member Reed, that this Appointment be recommended for approval.

The following spoke to this item:

- Chair Ackerson
- Althea Jackson, Mayor's Office
- Karyn Hascal, Appointee
- Vice Chair Piagentini

The following was discussed:

- The appointee is a 43 year resident of Louisville/Jefferson County
- The appointee is the President and CEO of the Healing Place
- The appointee is a District 11 resident
- The appointment is needed because of the city's addiction and recovery rates and the programs that the Healing Place offers
- Questions were asked regarding the solutions to the addiction issues -- COVID-19 isolation has led to an increase of substance use and other examples were given

The motion carried by a voice vote and the Appointment was sent to the Consent Calendar.

5. [AP020822RW](#)

APPOINTMENT OF ROBERT WEBER TO THE HIGHVIEW FIRE PROTECTION DISTRICT BOARD. PO ELECT (TERM EXPIRES JUNE 30, 2024)

Attachments: [APT Highview Fire Protection District Board 01.31.22..pdf](#)
[Robert Weber 01.31.22.pdf](#)
[Applicants for Board - Highview Fire Protection District Board 01.31.22.pdf](#)
[Current Board - Highview Fire Protection District Board 01.31.22.pdf](#)

A motion was made by Vice Chair Piagentini, seconded by Committee Member Reed, that this Appointment be recommended for approval.

The following spoke to this item:

- Chair Ackerson
- Althea Jackson, Mayor's Office
- Robert Weber, Appointee

The following was discussed:

- The appointee is a 50 year Louisville/Jefferson County resident
- The appointee resides in District 23
- The appointee is the owner and operator of Weber and Weber Plumbing
- The appointee has many volunteer activities and examples were given
- The appointee is filling a vacancy due to the passing of the previous appointee

The motion carried by a voice vote and the Appointment was sent to the Consent Calendar.

6. [O-032-22](#)

AN ORDINANCE AMENDING CHAPTER 166 OF THE LOUISVILLE METRO CODE OF ORDINANCES RELATING TO THE LOUISVILLE METROPOLITAN SEWER DISTRICT'S NOTIFICATION OF ANNEXATION REQUESTS SENT FROM SUBURBAN CITIES.

Sponsors: Primary Bill Hollander (D-9)

Attachments: [O-032-22 V.1 020322 Amends Chapter 166 of the LMCO relating to MSD.pdf](#)

A motion was made by Vice Chair Piagentini, seconded by Committee Member Winkler, that this Ordinance be recommended for approval.

The following spoke to this item:

- Chair Ackerson
- Council Member Hollander
- Council Member Kramer

The following was discussed:

- The expansion of a previously passed Ordinance
- The interest of Louisville Metropolitan Sewer District ("MSD") regarding the previous Ordinance
- MSD provides storm water drainage services in Anchorage, Jeffersontown, St. Matthews, and Shivley
- When an annexation request comes in, the Clerk will notify MSD and should MSD have any information to provide regarding the annexation to the Metro Council, the Clerk will forward that information
- This was inspired by the Jeffersontown Annexation and the concern that residents continue to pay fees agreed to be paid
- Questions were asked regarding updates of the continuation of fees that the residents of Jeffersontown are paying
- Clarification was provided regarding the residents in Landherr Estates whom requested annexation in Jeffersontown, and did not agree to pay MSD for a service that MSD is not providing -- the requested services are being provided by Jeffersontown

The motion carried by the following vote and the Ordinance was sent to the Consent Calendar:

Yes: 9 - Purvis, McCraney, Blackwell, Fowler, Reed, Winkler, Piagentini, Holton Stewart, and Ackerson

Excused: 1 - Fox

Not Voting: 1 - Benson

7. [O-033-22](#)

AN ORDINANCE AMENDING SECTIONS 21.01, 21.03, AND 21.06 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) RELATING TO FINANCIAL DISCLOSURES BY METRO OFFICERS AND CANDIDATES FOR ELECTED METRO OFFICES. (AS AMENDED)

Sponsors: Primary Bill Hollander (D-9) and Additional David James (D-6)

Attachments: [O-033-22 V.2 CAM 020822 Amends Sections of LMCO relating to Financial Disclosures.pdf](#)
[O-033-22 PROPOSED CAM 020822 Amends Sections of LMCO relating to Financial Disclosures.pdf](#)
[O-033-22 V.1 020322 Amends Sections of LMCO relating to Financial Disclosures.pdf](#)
[Ethics.pdf](#)

A motion was made by Committee Member Winkler, seconded by Vice Chair Piagentini, that this Ordinance be recommended for approval.

Council Member Hollander spoke to this item regarding the proposed amendment as shown in the attached documents titled: "O-033-22 V.2 CAM 020822 Amends Sections of LMCO relating to Financial Disclosures.pdf."

A motion was made by Committee Member Winkler, seconded by Vice Chair Piagentini, that this Ordinance be amended as stated above.

The following spoke to this item:

- Committee Member Purvis
- Chair Ackerson
- Alice Lyon, Jefferson County Attorney's Office
- Committee Member Reed
- Vice Chair Piagentini
- Committee Member Winkler
- Council President James

The following was discussed:

- The definition of the term "relative" was provided
- Discussion was had about the "Disclosure-Reporting Relationship"
- Clarification was asked regarding "debt disclosure" stated in the Ordinance -- clarification was provided
- Questions were asked regarding whether a person's private automobile would fall into the consumer goods category -- consumer goods used in the Kentucky Commercial code includes a vehicle
- Clarification was asked regarding identifying source of income for a candidate's spouse -- the Ordinance states reporting sources of income over \$5,000 annually, Section G of the amended Ordinance was briefly reviewed
- Questions were asked regarding whether this Ordinance would pertain to dependant children's investment income and if a college age student would receive a scholarship or grant -- only if the child is legally emancipated and not living in the home
- Clarification was asked regarding whom this Ordinance would cover in the

Mayoral Administration and examples were given -- further discussion can be had so the amendment covers elected officials and briefly reviewed Section K

- Questions were asked regarding whether the Mayoral Administration could provide a break down as to who the Ordinance would apply to as written based on the job titles listed as well as any changes that should be made
- Clarification on Section I was asked specifically pertaining to legislative assistants
- Question asked regarding whether a mock disclosure form could be provided to the committee
- Clarification was asked regarding when the Ordinance would take effect if passed -- current law states that Metro Officers file by April 30th every year
- Concerns were shared regarding election candidate's sources of income -- state law requires that the financial disclosure applies to candidates covered by the Ethics Code
- Clarification was asked regarding page 8, specifically regarding items 6 and 7

The motion to amend carried by a voice vote.

A motion was made by Vice Chair Piagentini, seconded by Committee Member Purvis, that this Ordinance be tabled.

The motion to tabled carried by a voice vote.

Special Discussion

8. [ID 22-0140](#)

AFSCME Grievances with Louisville Metro Parks.

Chair Ackerson introduced the special discussion item and stated that he was asked to review this issue by Council President James and Committee Member Fowler.

The following spoke to this item:

- Committee Member Fowler
- Council President James
- Andrew Burcham, American Federation of State, County and Municipal Employees ("AFSCME")
- Committee Member Purvis
- Vice Chair Piagentini
- Saulette Davis, AFSCME
- Chair Ackerson
- Kathryn Meador, Jefferson County Attorney's Office
- Orlando Smith, Louisville Metro Parks and Recreation ("Metro Parks")
- Ernestine Booth, Louisville Metro Human Resources ("Metro HR")
- Chief Keith Talley, Mayor's Office
- Margaret Brosko, Metro Parks

The following was discussed:

- Several meetings were held between Committee Member Fowler, Council President James, AFSCME, and prior Chief Vincent James, and current Chief Keith Talley regarding concerns shared by AFSCME and the grievances filed with Metro departments, specifically Metro Parks
- According to AFSCME, the grievances filed by ACSME have not been resolved by Metro Parks or Metro HR
- In Fall 2021, it was recommended that AFSCME file with the Ethics Commission
- Some grievance concerns brought forth by Metro Parks' employees were racially motivated
- AFSCME has struggled the last 2-3 years with reporting racial discrimination, safety issues, harassment and retaliation complaints to Metro Parks
- AFSCME is concerned that Metro Government as well as the Ethics Commission is failing to provide any updates regarding the complaint investigations as well as any resolutions to the grievance complaints that have been filed and many examples were given
- Questions were asked regarding whether AFSCME was escalating these complaints and issues to the Equal Employment Opportunity Commission ("EEOC") or other federal agencies
- Questions were asked regarding whether the prior Chief Vincent James made the current Chief Keith Talley aware of the existing issues -- Chief Keith Talley was made aware of the grievance issues Metro Parks was facing
- Questions were asked regarding whether Chief Keith Talley made efforts to resolve these grievance issues
- Questions were asked regarding whether Metro Council could receive the grievance information -- an investigation could be filed by the Metro Council

and documents can be requested, and if there is no compliance Metro Council could subpoena individuals to come in front of the Committee to discuss this issue

- Questions were asked regarding confidentiality
- Questions were asked regarding AFSCME's process stated in their contract with a union member bringing forth a personnel or supervisory issue to AFSCME-- AFSCME can address issues by using the grievance filing process
- Questions were asked regarding how the grievance process had been violated -- AFSCME has received very few grievance filing updates in the first two steps of the grievance process, and there are currently 14 grievance filings where AFSCME has not received updates at the third step in the grievance process
- The process with the Ethics complaints has been followed but has failed
- There are two complaint process mechanisms that could be filed: Ethics and Compliance complaints
- Questions were asked regarding whether the Compliance complaint process has been followed but has failed
- Speakers shared stories and gave examples of the experiences the speakers encountered while following the complaint processes
- Questions were asked regarding the starting point of when the issues began to occur -- approximately eight years ago and examples of experiences were shared
- Questions were asked regarding whether the complaints, investigation and responses are accessible under the Freedom of Information Act
- Questions were asked if someone whom was not the complainant wanted access to the investigation files, could they be accessed via a request -- they could be provided via Open Records request
- AFSCME and Metro Parks employees shared their experiences during this process
- Clarification on the term HIPPA violation was asked and provided
- Questions were asked regarding whether either level of Metro HR has provided responses to the complaints -- Metro HR has provided little-to-no response on many of the filed complaints
- Clarification on the grievance complaint process as well as the time frame was asked of Metro HR -- If a claim came to Metro HR, an investigation would be conducted, said investigation would be held and completed by the Metro HR Compliance Division
- HR originally only reviewed Equal Employment Opportunity ("EEO") complaints and then began looking at all complaint types at the end of 2020 -- historically the departments were responsible for completing investigations that were non-EEO related complaints
- For confidentiality purposes, Metro HR did not disclose all information related to the complaint investigations and any disciplinary actions taken
- Questions were asked regarding whether Metro HR is providing the same level of access that filing a Freedom of Information Act would provide to the complainant -- that access would not be provided through Metro HR but that information could be obtained through an Open Records request
- Questions were asked regarding whether the Administration recommended AFSCME to file an Ethics complaint -- Metro HR is unaware of anyone within Metro HR recommending AFSCME to file an Ethics complaint
- Questions were asked regarding how many investigators are employed in the Compliance Division -- originally only one investigator but currently there are two investigators

- Questions were asked regarding how many complaints the two active Compliance Division investigators are working on currently -- there are 10 complaints in the queue being actively investigated
- Questions were asked regarding whether there is a policy or law that states Metro HR could not disclose the disciplinary actions taken to resolve the complaint -- it is a standard confidentiality practice but not written in policy or law
- Questions were asked regarding who advised AFSCME to file the Ethics complaints opposed to going through the grievance process -- Maurice Brown was the initial advisor according to AFSCME
- Concerns were shared regarding the subordinate employees
- Questions were asked regarding Metro HR's next steps in this process going forward
- Questions were asked regarding when the conversations between Chief Keith Talley and Metro Parks union employees would take place -- a schedule is being created for the best time to meet and discuss expectations in the workplace -- it was asked that there be more Metro HR and Metro Parks Union involvement in the meetings
- Questions were asked regarding whose responsibility it is to respond to the grievances -- who provides the response is dependent on the step of the grievance and examples of said steps were given
- The discussed grievances show as "resolved" in steps one and two in the grievance process according to the information provided by Metro Parks -- grievances are not seen by Metro HR unless the grievance is currently in step three
- Questions were asked regarding how AFSCME representatives would see the information that the grievances were resolved in the first two steps -- the Metro Parks department should provide that information to AFSCME
- Metro HR is implementing a new system through WorkDay to better track the grievance process -- this system will not go live until October 2022
- A formal request was asked by the Committee for a document that will show all grievances, the stages that the grievances are in, conversations between Metro Parks Union, the resolution to the grievance that may or may not have occurred and steps to improve this process going forward by the end of February 2022
- Clarification was asked whether the department in which the Ethics complaint is filed is responsible for investigating said Ethics complaint
- Questions were asked regarding a specific grievance and the resolution to that issue -- Metro HR will provide that information to the Committee

Adjournment

Without objection, Chair Ackerson adjourned the meeting at 7:39 p.m.

Note: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council meeting on February 17, 2022.