

RESOLUTION NO. _____, SERIES 2020

AN EMERGENCY RESOLUTION TO INITIATE AN INVESTIGATION INTO ALLEGATIONS OF SEXUAL HARASSMENT AND OTHER MISCONDUCT AT TARC.

SPONSORED BY: COUNCIL PRESIDENT DAVID JAMES AND COUNCIL MEMBERS ACKERSON AND PIAGENTINI

WHEREAS, Recent allegations regarding widespread sexual harassment at the Transit Authority of River City (“TARC”) should be thoroughly investigated to understand what happened and what preventative measures might be taken going forward;

WHEREAS, the severity of allegations against the former Executive Director of TARC necessitate immediate action by Metro Council to investigate the allegations of sexual harassment, which requires the enactment of this Resolution as an emergency under Metro Council Rule 7.01;

WHEREAS, Under KRS § 67C.103(13)(f), the Legislative Council of the Louisville/Jefferson County Metro Government (“Metro Council”) has the power to “[m]ake independent audits and investigations concerning the affairs of the consolidated local government and any board or commission that: 1. Is composed of members who are appointed by the mayor and approved by the legislative council; or 2. Has a budget that is equal to or greater than one million dollars (\$1,000,000.00), except that this subparagraph shall not apply to any fee officer elected within the consolidated local government;”

WHEREAS, Metro Council seeks to understand the existing processes at TARC intended to protect and support its employees, to provide a safe environment free of sexual harassment and intimidation, and to provide full transparency into how TARC functions;

WHEREAS, Metro Council seeks to understand the process and decision to appoint Director Ferdinand Risco Jr. as the Executive Director of TARC;

WHEREAS, Metro Council will investigate these concerns regarding TARC in the Government Oversight and Audit Committee (“GOAC”) to utilize powers set forth in KRS § 67C.103(14); and

WHEREAS, at the completion of the GOAC’s investigation, Metro Council may take legislative action and make recommendations for changes in TARC policies and processes based upon GOAC’s findings.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“METRO COUNCIL”) AS FOLLOWS:

SECTION I: Louisville Metro Council, through the Government Oversight and Audit Committee, hereby initiates an investigation into the recent allegations of sexual harassment and misconduct at TARC. The scope of the investigation will include:

- Working with the GOAC, Counsel for GOAC/Louisville Metro Council, and its designated investigator.
- Exploring the hiring policies and practices of TARC (including but not limited to the Board of Directors for TARC), and Louisville Metro Government, by identifying current hiring policies and practices and analyzing them in conjunction with the allegations in this case.
- Identifying any errors or omissions in the process and decision leading to the appointment of Director Ferdinand Risco Jr. as the Executive Director of TARC.

- Identifying any shortcomings in training, policy, systems, and/or execution which occurred in the course of the processes and decisions leading to the appointment of Director Ferdinand Risco Jr. as the Executive Director of TARC.
- Identifying all relevant documents, policies, cultures, customs, processes, and practices which were in place at Louisville Metro Government or TARC and bore on the outcome of the processes and decisions leading to the appointment of Director Ferdinand Risco Jr. as the Executive Director of TARC.
- Identifying and Investigating any allegations of sexual harassment or other misconduct (including but not limited to financial mismanagement) occurring at TARC during Director Ferdinand Risco Jr.'s tenure as the Executive Director of TARC, or still occurring. For purposes of explanation, and not limitation, it is presently contemplated that investigative actions shall include Identifying and interviewing all persons and/or bodies who either:
 - made allegations against former Director Ferdinand Risco Jr. as the Executive Director of TARC,
 - made allegations against any other TARC employee during former Director Ferdinand Risco Jr.'s tenure as the Executive Director of TARC,
 - made allegations of ongoing misconduct at TARC,

- were presented with allegations of sexual harassment or misconduct occurring at TARC during former Director Ferdinand Risco Jr.'s tenure as the Executive Director of TARC,
- are believed to possess information relevant to any of the foregoing allegations, or information which may reasonably lead to information relevant to any of the foregoing allegations, or
- were materially involved in the process and decision leading to the appointment of Director Ferdinand Risco Jr. as the Executive Director of TARC

AND

- Preparing and presenting a detailed investigative summary and timeline, with recommendations for possible action by Metro Council. For purposes of explanation, and not limitation, it is presently contemplated that said presentation, investigative summary, and timeline should demonstrate the manner in which each allegation was handled at each step of the process (if at all). Said presentation shall demonstrate what each person associated with the allegations knew with respect to the allegations, when they came into said knowledge, and what those person did when they came into said knowledge.

SECTION II: The Government Oversight and Audit Committee will conduct the TARC investigation with the legislative power contained in KRS §§ 67C.103(13)(f), 67C.103(14), and according to Metro Council Rule 4A.04(b).

SECTION III: This Resolution shall take effect upon its passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Jonathan Ricketts

BY: _____
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