

RESOLUTION NO. 134, SERIES 2018

A RESOLUTION AMENDING SECTION 4 OF THE RULES OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT COUNCIL TO ADDRESS THE INITIATION OF AUDITS AND INVESTIGATIONS.

SPONSORED BY: COUNCIL MEMBERS ACKERSON, KRAMER, ENGEL, REED, GREEN, AND COUNCIL PRESIDENT JAMES

WHEREAS, the Kentucky General Assembly's amendments to Kentucky Revised Statute ("KRS") § 67C.103 created the Government Oversight and Audit Committee ("Committee") with authority to subpoena documents and testimony from any department or division of Louisville Metro Government and appointed members of boards and commissions as described in KRS § 67C.103(13)(f);

WHEREAS, the Committee's subpoena power is tied to Metro Council's inherent power to "[m]ake independent audits and investigations concerning the affairs of the consolidated local government[.]" KRS § 67C.103(13)(f); and

WHEREAS, Louisville Metro Council amends its rules to establish the process for Council to initiate audits or investigations for the Committee to issue subpoenas in the course of any audit or investigation.

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

SECTION I: Section 4A.04(b) of the Rules is hereby amended as follows:

The Government Oversight and Audit Committee is a standing committee as established in KRS § 67C.103(14) with the powers and composed of committee members as established in subsections (a) and (b).

(a) Membership. The committee membership shall be appointed by the chairs of the two largest political caucuses established in Section 13. Committee appointments shall be proportional based on the total membership of said caucuses with any fractional proportions rounded in the favor of the smallest caucus' membership on the committee.

(b) Subpoenas authority and process. The Government Oversight and Audit Committee has the power to issue subpoenas to compel any officer of or appointee to a board or commission as described in KRS § 67C.103(13)(f) or any department or division of Louisville Metro Government (i) to testimony at its committee and/or (ii) to produce work papers or documents pertinent to an independent audit or investigation.

1. An Independent audit or investigation must be approved either by a majority vote of the Council or a majority vote of the Government Oversight and Audit Committee as follows: (a) the Council would vote on a resolution to initiate an independent audit or investigation; (b) the Government Oversight and Audit Committee would vote on a written order to initiate an independent audit or investigation as introduced by any Council Member at or before the Committee meeting. Approval of either a written order or a resolution is required before the Government Oversight and Audit Committee may issue subpoenas connected with any investigation or audit.

2. Subpoenas may be issued only with an affirmative vote of a majority of a quorum of the committee.

23. Sworn testimony before the committee may be compelled only with an affirmative vote of a majority of a quorum of the committee.

34. Testimony subject to any exception of the open meetings law contained in KRS § 61.810 shall only be taken in closed session, unless waived by the person or entity compelled or asked to testify.

45. The presiding officer of the committee will issue subpoenas and anything enacted by the committee that is not considered by the full Metro Council.

56. The committee may petition Jefferson Circuit Court to compel compliance with a subpoena, if there is a failure or refusal to testify or produce work papers or documents identified in a subpoena issued by the committee. The petition may be issued only with an affirmative vote of a majority of a quorum of the committee.

SECTION II: This Resolution shall be effective upon its passage and approval.



H. Stephen Ott
Metro Council Clerk



David James
President of the Council

Approved: 9/13/2018
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 



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