

RESOLUTION NO. 071, SERIES 2020

A RESOLUTION ADOPTING PROCESSES AND PROCEDURES RELATING TO ADMINISTRATION OF SUBPOENAS AND OATHS USED BY THE GOVERNMENT OVERSIGHT AND AUDIT COMMITTEE.

SPONSORED BY: COUNCIL MEMBERS BRENT ACKERSON AND ANTHONY PIAGENTINI

WHEREAS, the Kentucky General Assembly mandated the creation of the Government Oversight and Audit Committee (“GOAC”), and vested that committee with the power to conduct independent audits and investigations as may be authorized by Louisville Metro Council; and

WHEREAS, Louisville Metro Council previously has enacted Rule 4A.04(b), pursuant to which independent audits or investigations may be initiated by either Louisville Metro Council or by the GOAC; and

WHEREAS, the Kentucky General Assembly further vested the GOAC with the authority to issue subpoenas in connection with any audit or investigation; and

WHEREAS, the Kentucky General Assembly further required that all processes and procedures deemed necessary for the administration of subpoenas and oaths in connection with independent audits or investigations be approved by Louisville Metro Council; and

WHEREAS, the adoption of a subpoena form, a form of oath, and oath administration process to be used by the GOAC pertain to administrative acts of Louisville Metro Council as contemplated in Rule 7.01(b).

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

SECTION I. The form attached hereto as Attachment A shall be used by the GOAC for any subpoena the Committee votes to issue in any audit or investigation authorized pursuant to Rule 4A.04(b).

SECTION II. The form attached hereto as Attachment B shall be used by the GOAC for any oath the Committee elects to administer in connection with witness testimony before the Committee in any audit or investigation authorized pursuant to Rule 4A.04(b).

SECTION III. The oath may be administered by either the GOAC chair or the GOAC vice-chair.

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



Sonya Harward
Metro Council Clerk




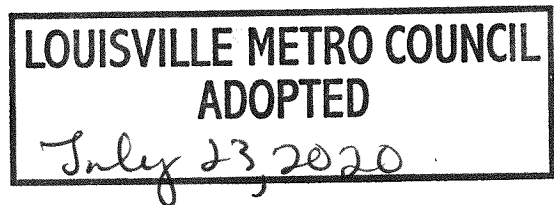
David James
President of the Council

July 23, 2020
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: 



R-098-20 - Resolution re subpoena and oath- mhh - 7-19-20

COMMONWEALTH OF KENTUCKY
LOUISVILLE METRO COUNCIL
GOVERNMENT OVERSIGHT AND AUDIT COMMITTEE

IN RE: _____, _____ (AN INDEPENDENT AUDIT OR INVESTIGATION)

LEGISLATIVE () SUBPOENA () SUBPOENA DUCES TECUM

To: _____

Pursuant to KRS 67C.103(14) and Metro Council Rule 4A.04(b), and a majority vote of the Government Oversight and Audit Committee, you are commanded to appear before the Government Oversight and Audit Committee at Historic City Hall, 601 West Jefferson Street, Louisville, KY 40202 on the _____ day of _____, 20__ at the hour of _____.

___ To testify before the Government Oversight and Audit Committee, relative to the above referenced independent audit or investigation.

___ To produce work papers or documents described on Attachment A hereto

Your failure to obey this subpoena may subject you to contempt proceedings as provided in KRS 67C.103(14) and Metro Council Rule 4A.04(b).

Issued by: _____
Title: Presiding Officer, Government Oversight and Audit Committee
601 West Jefferson Street, Louisville, KY 40202
Date: _____

TO BE COMPLETED WHEN THE WITNESS ACKNOWLEDGES SERVICE OF THE SUBPOENA

I hereby acknowledge receipt of a true copy of this subpoena:

Signed: _____ Date: _____

TO BE COMPLETED WHEN SUBPOENA IS SERVED BY A NON-OFFICER OVER 18 YEARS OF AGE

I, _____, being first duly sworn state that I am over 18 years of age and that the _____ day of _____, 20____, I personally delivered a true copy of this subpoena to _____, who is known to me.

Signed: _____

COMMONWEALTH OF KENTUCKY

County of _____

Subscribed, sworn to and acknowledged before me by _____, this _____ day of _____, 20____.

Signed: _____ Title: _____

My commission expires: _____

TO BE COMPLETED WHEN SUBPOENA IS SERVED BY AN OFFICER

This subpoena was served by delivery of a true copy to _____, this _____ day of _____, 20____.

Signed: _____ Title: _____

A subpoena shall be served by delivering or offering to deliver a copy to the person to whom it is directed. Subpoenas may be served by an officer by whom a summons might be served, or by any person over 18 years of age whose affidavit is endorsed above, or a witness may acknowledge service by his signature above. An exact, signed duplicate must be filed with the Government Oversight and Audit Committee at or prior to the appearance scheduled above.

ATTACHMENT B

Witnesses shall be sworn in the following form, namely:

"Do you, _____, swear or affirm under the penalty of perjury that the evidence and testimony that you shall give in the matter now before the Louisville Metro Council Government Oversight and Audit Committee shall be the truth, the whole truth, and nothing but the truth: so help you God?"