



Louisville Metro Government

601 W. Jefferson Street
Louisville, KY 40202

Action Summary - Final Government Oversight and Audit Committee

Chair Brent Ackerson (D-26)
Vice Chair Anthony Piagentini (R-19)
Committee Member Barbara Sexton Smith (D-4)
Committee Member Donna Purvis (D-5)
Committee Member Brandon Coan (D-8)
Committee Member Bill Hollander (D-9)
Committee Member Kevin Kramer (R-11)
Committee Member Rick Blackwell (D-12)
Committee Member Cindi Fowler (D-14)
Committee Member Stuart Benson (R-20)
Committee Member Madonna Flood (D-24)

Monday, August 3, 2020

2:30 PM

Council Chambers

THIS IS CONSIDERED A SPECIAL MEETING

Call to Order

Chair Person Ackerson called the meeting to order at 2:32 p.m.

Roll Call

Chair Person 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 Chair Person Ackerson, Vice Chair Piagentini, Council Member Coan, and Council President James, who attended in Chambers.

Present: 11 - Chair Brent Ackerson (D-26), Vice Chair Anthony Piagentini (R-19), Committee Member Barbara Sexton Smith (D-4), Committee Member Donna L. Purvis (D-5), Committee Member Brandon Coan (D-8), Committee Member Bill Hollander (D-9), Committee Member Kevin Kramer (R-11), Committee Member Rick Blackwell (D-12), Committee Member Cindi Fowler (D-14), Committee Member Stuart Benson (R-20), and Committee Member Madonna Flood (D-24)

Non-Committee Member(s)

Council Member Jessica Green (D-1), Council Member Barbara Shanklin (D-2), Council Member Keisha Dorsey (D-3), Council Member Paula McCraney (D-7), Council Member Kevin Triplett (D-15), Council Member Markus Winkler (D-17), Council Member Marilyn Parker (R-18)

Support Staff

Hollie Hopkins, Jefferson County Attorney's Office
Alice Lyon, Jefferson County Attorney's Office

Clerk(s)

Lisa Franklin Gray, Assistant Clerk
Sonya Harward, Clerk

Hearing

1. [ID 20-0978](#)

HEARING PURSUANT TO ORDER 003, SERIES 2020, TO INVESTIGATE THE ACTIONS AND INACTION OF THE ADMINISTRATION SURROUNDING THE DEATH OF BREONNA TAYLOR, THE DEATH OF DAVID MCATEE, AND RELATED PROTESTS IN LOUISVILLE METRO

Attachments: [OR 003 2020.pdf](#)

[Subpoena for Chief Robert Schroeder \(approved for issuance on 8-3-20\).pdf](#)

[Subpoena for Chief Amy Hess \(approved for issuance on 8-3-20\).pdf](#)

The following spoke to the item:

- Chair Person Ackerson
- Vice Chair Piagentini
- Jonathan Ricketts, Attorney for Metro Council
- David Guarnieri, Attorney for Chief Amy Hess
- Joseph Klausung, Attorney for Chief Robert Schroeder
- Committee Member Sexton Smith
- Committee Member Coan
- Committee Member Hollander
- Council Member Winkler
- Council Member Parker
- Council Member Green
- Committee Member Kramer
- Committee Member Blackwell
- Committee Member Purvis
- Committee Member Flood
- Council President James

The following was discussed:

- Chief Hess and Chief Schroeder gave statements via their attorneys that, pursuant to KRS 67C.103(13) and (14), neither Chief Hess nor Chief Schroeder would give testimony in the proceedings as it violated the Open Meetings law.
- The witnesses were willing to speak in Closed Session.
- A Civil Rights law suit had been filed that has impacted the participants' ability to give testimony in Open Session.
- The proceeding will take place in Open Session for transparency.
- Timeline of events was provided.
- Topics to be discussed in the meeting would significantly impact and overlap the pending litigation.

- The witnesses may possibly be able to proceed in the next 30 days.
- Discussion on the interpretation of exceptions to the Open Meetings law may be too broad.
- Witnesses may waive their right to speak in Closed Session and participate in Open Session.
- Witnesses were initially invited to participate in the meeting voluntarily, they may participate or chose to leave the meeting.
- The Mayor was invited to attend meeting to discuss right to waive Open Meetings exceptions
- The witnesses declined to speak and were excused from the meeting.
- Discussion on full disclosure between the Chairs and Committee Members on significant details in matters before the Committee.
- Emails/letters to the Chair Person were received just hours before the Committee meeting and were not readily available to send to the Committee.
- Questions on whether pending litigation could impact the process of this investigation.
- Questions regarding how many questions were submitted in respect to this meeting to pose to the witnesses.
- Questions regarding how many members submitted questions and whether those questions would be compiled and shared.
- Questions about any civil litigation regarding this topic continuing to halt any investigation due to this interpretation of the Open Meetings law.
- Questions regarding why the Committee Members were not made aware of the Civil Rights law suit.
- Discussion of the process and forum of the Committee meeting for this hearing.
- Information received in advance will be shared with Committee Members going forward.
- Discussion about issuing subpoenas and vigorously arguing the Council's position in court.
- Members were encouraged against sharing questions between Members.
- If this investigation is delayed, possibly considering addressing the Elliott Avenue situation, suggestions were made to invite Mary Ellen Weiderwohl, Reverend Stillwell, and Joshua Watkins to address the matter.
- Discussion/Clarification on the process and intent for issuing subpoenas under Council Rules 4A.04(b)(1)-(6).
- Research on the legal issue raised in the Meeting should be forwarded to Committee members.
- Whether the language of the Order gives the Committee access to cover the Elliott Avenue issue.
- The Committee must tread lightly so as not to impede criminal investigations.
- The goal of the meeting was to ascertain who were the decision makers in addressing peaceful protestors and possible structural strategies for combating protests.

A motion was made by Vice Chair Piagentini, seconded by Committee Member Purvis, that the Committee issue subpoenas to Chief Amy Hess and Chief Robert Schroeder to compel testimony in Open Session.

The motion was approved by the following vote:

Yes: 10 - Ackerson, Piagentini, Sexton Smith, Purvis, Coan, Kramer, Blackwell, Fowler, Benson, and Flood

No: 1 - Hollander

Adjournment

Without objection, Chair Person Ackerson adjourned the meeting at 3:54 p.m.