

RESOLUTION NO. _____, SERIES 2017

A RESOLUTION AMENDING SECTION 4 OF THE RULES OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT COUNCIL TO ADDRESS CHANGES IN KENTUCKY REVISED STATUTES § 67C. (AMENDMENT BY SUBSTITUTION).

SPONSORED BY: COUNCIL MEMBERS GREEN, PARKER, ENGEL, AND HOLLANDER

WHEREAS, the Kentucky General Assembly amended Kentucky Revised Statutes (“KRS”) §§ 67C.103, 67C.143 and 67C.139 during the 2017 General Session in Senate Bill 222;

WHEREAS, the amendments to KRS § 67C.139 delegate the Louisville Mayor’s appointing authority to the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) with boards and commissions, if the Mayor fails to appoint within 90 days of the expiration of the term;

WHEREAS, the amendments to KRS § 67C.103 created the Government Oversight and Audit 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 103(13)(f);

WHEREAS, the amendments to KRS §§ 67C.103 and 67C.143 also convey the Government Oversight and Audit committee the authority to remove appointed members of boards and commissions as described in KRS 103(13)(f); and

WHEREAS, the Council hereby adopts a resolution amending the Rules of the Louisville/Jefferson County Metro Government Council (the “Rules”) to specify how these appointments will be made and the process for the new Government Oversight and Audit committee.

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

SECTION I: Section 4A of the Rules is hereby established to read as follows:

SECTION 4A. STANDING COUNCIL COMMITTEES

4A.01 The Committee on Committees is a standing committee composed of the President and the Chair and Vice Chair of the two largest caucuses, as determined under Rule 13.02, and composed of members determined under Rule 2.01(h).

4A.02 The Budget Committee is a standing committee established for Metro Council to comply with its duty in KRS 67C.103(13)(c) to approve a budget.

4A.03 The Appointments Committee is a standing committee composed in accordance with Rules 2.01(h) and 4.01. The Council designates the Appointments Committee with the powers granted in KRS 67C.139(1)(b) to appoint members to boards and commissions when the Mayor fails to appoint or reappoint within ninety (90) days of the term's expiration.

- A. LMCO 32.XX requires the Mayor to maintain appointment terms for all the boards and commissions that are subject to shifting appointing authority under KRS 67C.139(2)(b).
- B. The Metro Council Clerk will monitor Granicus, or such other subsequent system used to report appointment terms, to determine if or when any board or committee vacancy has passed 90 days without an appointment made by the Mayor. The Metro Council Clerk will notify the Chair of the

Appointments Committee following the expiration of the Mayor's ninety-day (90) appointment time. The Metro Council has 30 days to make such appointment from the date the Mayor's appointment expires. If the Metro Council fails to make such appointment within that 30-day period, then the appointment returns to the Mayor.

- C. The Chair of the Appointments Committee shall schedule a special meeting or add the new appointment to the next regularly scheduled Appointments Committee agenda for the committee to nominate a candidate for appointment to the vacancy of the board or commission.
- D. Any member of the Appointments Committee may nominate a candidate for appointment to the board or commission with a written nomination containing the candidate's qualifications for membership on the board or commission. Appointments may be filed at or before the Appointments Committee meeting and are not required to comply with Rule 6.01.
- E. Nominations shall comply with all criteria required for membership on the vacant board or commission and should take into account the political, geographic, gender, age, ~~and~~ racial and other elements of diversity of the population. Committee members may consider candidates from Granicus or any other qualified candidates for nomination.
- F. Appointments Committee will follow Rule 7.08 when considering appointment resolutions. Appointments will be considered at the next

regular or special Metro Council meeting under old business on the agenda.

- G. Metro Council Members may make additional nominations during Metro Council Meetings so long as any new nominations comply with subsection E and is presented in written form.
- H. The appointment requires a majority vote pursuant to Rule 5.07 at the Metro Council meeting.
- I. The Metro Council Clerk shall present any approved appointment to the Mayor so the appointment may be communicated to the applicable board or commission. The Metro Council Clerk will also communicate the approved appointment to the appointee.

4A.04 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. Subpoenas may be issued only with an affirmative vote of a majority of a quorum of the committee.
2. Sworn testimony before the committee may be compelled only with an affirmative vote of a majority of a quorum of the committee.
3. 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.
4. The presiding officer of the committee will issue subpoenas and anything enacted by the committee that is not considered by the full Metro Council.
5. 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.

C. **Removal authority and process.** The Government Oversight and Audit Committee may recommend to the full Metro Council the removal of a member of a board or commission who is either a member (i) appointed by the mayor and approved by the legislative council or (ii) 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 Louisville Metro Government. An appointed member of a board or commission meeting the preceding criteria may be removed in the following manner:

1. Any member of Metro Council may initiate the process for removal of an appointed member by filing a resolution, in compliance with Rule 6.01 for new legislation, that contains the name and address of the appointed member, the board or commission, the other members serving on the board or commission, and the reasons for the committee to consider removal of the appointed member from the board or commission.
2. The Metro Council Clerk shall issue a copy of the resolution to the appointed member of the board or commission who is facing removal at the mailing address provided by the sponsor of the resolution. A copy of the resolution should identify the date and time of the committee meeting when a date for the removal hearing will be scheduled.
3. The committee chair shall schedule a removal hearing date for the committee to consider testimony and evidence presented in support and defense of the appointed member facing removal from the board or commission.

4. Recommendations for removal of an appointed member from the board or commission require an affirmative vote of a majority of a quorum of the committee on the removal resolution. Only recommendations for removal may be considered for a vote by the entire Metro Council. If the resolution recommending removal of an appointed member fails to receive an affirmative vote, the legislation dies in committee.
5. Following a removal recommendation by the committee, pursuant to KRS § 67C.143(3), a two-thirds (2/3) vote of the total number of legislative council members is required to remove an appointed member from the board or commission.
6. The Metro Council Clerk shall present any approved removal resolution to the Mayor to be communicated to the applicable board or commission. The Metro Council Clerk will also communicate any enacted removal resolution to the appointed member at the mailing address provided on the resolution.

SECTION II: This Resolution shall be effective ~~upon~~ 90 days after its passage and approval.

H. Stephen Ott
Metro Council Clerk

David Yates
President of the Council

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

R-169-17 amended with Govt Accountability Com language 12-14-17.docx