



Louisville Metro Government

Legislation Details (With Text)

File #: R-044-22 **Version:** 3 **Name:**
Type: Resolution **Status:** Passed
File created: 2/28/2022 **In control:** Government Oversight and Audit Committee
On agenda: 5/19/2022 **Final action:** 5/19/2022
Title: A RESOLUTION DETAILING THE EXPECTATIONS OF METRO COUNCIL FOR [ALL LOUISVILLE METRO DEPARTMENTS, AGENCIES,] CERTAIN ENTITIES GOVERNED BY BOARDS[,] AND COMMISSIONS[, AND AUTHORITIES] REGARDING BEST PRACTICES FOR BOARD TRAINING, EXPENSE AUTHORIZATIONS, PROCUREMENT, AND HIRING. (AS AMENDED)
Sponsors: Anthony Piagentini (R-19)
Indexes:
Code sections:

Attachments: 1. R-044-22 V.3 CAM 051022 Detailing the Expectations of Council for Certain Entities Governed by Boards and Commissions RE Best Practices.pdf, 2. R-044-22 PROPOSED CAM 051022 Detailing the Expectations of Council for Certain Entities Governed by Boards and Commissions RE Best Practices.pdf, 3. R-044-22 V.2 CAM 030822 Detailing the Expectations of Council for Certain Entities Governed by Boards and Commissions RE Best Practices.pdf, 4. R-044-22 V.1 030322 Detailing the Expectations of Council for All Louisville Metro Departments, Agencies, Boards, commissions and Authorities RE Best Practices.pdf, 5. RES 066 2022.pdf

Date	Ver.	Action By	Action	Result
5/19/2022	3	Metro Council	adopted	
5/10/2022	2	Government Oversight and Audit Committee	amended	Pass
5/10/2022	2	Government Oversight and Audit Committee	recommended for approval	Pass
4/19/2022	2	Government Oversight and Audit Committee	held	
4/14/2022	2	Metro Council	Recommitted	
3/17/2022	2	Metro Council	tabled	
3/8/2022	1	Government Oversight and Audit Committee	amended	Pass
3/8/2022	1	Government Oversight and Audit Committee	amended	Pass
3/8/2022	1	Government Oversight and Audit Committee	recommended for approval	
3/8/2022	1	Government Oversight and Audit Committee	recommended for approval	Pass
3/8/2022	1	Government Oversight and Audit Committee	amended	
3/8/2022	1	Government Oversight and Audit Committee	tabled	Fail
3/3/2022	1	Metro Council	assigned	

RESOLUTION NO. _____, SERIES 2022
A RESOLUTION DETAILING THE EXPECTATIONS OF METRO COUNCIL FOR ALL LOUISVILLE METRO DEPARTMENTS, AGENCIES, CERTAIN ENTITIES

**GOVERNED BY BOARDS, AND COMMISSIONS, AND AUTHORITIES REGARDING
BEST PRACTICES FOR BOARD TRAINING, EXPENSE AUTHORIZATIONS,
PROCUREMENT, AND HIRING. (AS AMENDED)**

SPONSORED BY: COUNCIL MEMBER PIAGENTINI

WHEREAS, via emergency Resolution 022, Series 2020, dated March 3, 2020, Louisville Metro Council resolved to conduct an investigation of misconduct by TARC's former executive director, Ferdinand Risco; and

WHEREAS, as part of the investigation, Metro Council requested recommendations regarding practices by Louisville Metro Government, TARC, or the TARC board which could be altered to minimize or avoid the risk of future misconduct; and

WHEREAS, many of the resulting recommended practices would benefit all Metro departments, agencies, boards, commissions, authorities and related entities; and

WHEREAS, Metro Council has the opportunity to influence policy within Metro entities through the approval of many of the Mayor's appointees to boards and commissions, and through budget approvals or appropriations; and

WHEREAS, through the Government Oversight and Accountability Committee's powers as granted in KRS 67C.103, Metro Council may make independent audits and investigations concerning the affairs of the consolidated local government and many boards and commissions;

WHEREAS, Metro Council wishes to set expectations for future conversations about best practices within Metro departments, agencies, boards, commissions, and authorities, whether those conversations occur as a function of an inquiry by the Government Oversight and Accountability Committee, the budgeting process, the nominee approval process, or in any special discussion before any Metro Council committee.

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

SECTION I: The Council asks With respect to those entities governed by boards and commissions: (a) that hold independent authority to expend public funds or independent regulatory authority; (b) whose nominees come before the Council for approval, and (c) who entities that come before the Council for budget approval or appropriations, the Council asks that they entity representatives, including but not limited to current members of the board or commission, and any nominees for reappointment to the board or commission, to be prepared to answer questions regarding adherence to the following best practices, where applicable:

(A) The existence of a compliance hotline or other neutral third-party resource to enable all officers, employees, or members of the entity to confidentially report issues of operational concern, including sexual harassment, potential violations of law, or non-compliance with internal policies;

(B) The utilization of a procurement program, such as the Kentucky State Model Procurement Code or the Metro Louisville Procurement Procedures codified in Chapter 37 of the LMCO, for awarding contracts regardless of whether the entity is legally required to follow those Codes;

(C) The methods for approving employee expenditures, particularly for travel and entertainment that ensure adequate oversight; and

(D) The protocols for hiring executive- or director-level positions to ensure comprehensive screening, including whether former employers, former colleagues, and former subordinates are contacted, whether credit reports are reviewed, and whether criminal history and also civil and criminal court proceedings involving the applicant are reviewed₁; ~~and~~

(E) ~~The protocols for continued scrutiny of persons hired for executive- or director-level positions, including whether credit reports are periodically reviewed, and whether criminal histories and records of court actions involving those persons are periodically reviewed.~~

SECTION II: With respect to those entities governed by boards and commissions (a) that hold

independent authority to expend public funds or independent regulatory authority; (b) whose For nominees who come before the Council for approval; and (c) who come before the Council for budget approval or appropriations to Metro boards and commissions, the Council asks that the Mayor's office and both the entity to be served by the nominee and the nominee be prepared to answer questions regarding both those best practices listed in Section I of this section and the following best practices, where applicable:

(A) ~~(E)~~ The levels of training on fiduciary duties and oversight responsibilities to ensure adequate preparation for those with fiscal oversight and authority;

(B) ~~(F)~~ The provision of comprehensive written training materials to board and commission appointees to support their education and future decision-making;

~~(G)~~ ~~(C)~~ ~~(G)~~ The methods for approving board and executive expenditures to ensure adequate oversight; and

~~(G)~~ ~~(D)~~ ~~(H)~~ The utilization of procurement programs for approving contracts to exercise fiscal responsibility.

SECTION III II: This Resolution shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

R-044-22 Best practices 4-25-22 (CAM2) al HH