

URBAN COUNTY COUNCIL

Inter-Governmental Committee

Sept. 15, 2009

CM James called the meeting to order at 1:00 P.M. All committee members were present except Doug Martin. Kevin Stinnett attended as a non-voting member.

I. Oath of Office- Beard

Beard talked about intent and expectation of an oath for office, the process is to better understand importance of serving on either a board or commission and applying a level of consequence, if the oath is violated. He added he would like to see an all inclusive oath covering all boards/commissions.

Blues added even if the oath is generic it can still be effective in outlining expectations. He asked about penalties for violating the oath and who would have oversight.

Glenda George, Law Dept. referred to paragraph one (1) of the draft covering that question.

Henson asked if special district boards/commissions had to comply with the draft ordinance. She also asked about training for board/commission members, how often it will be offered and if it would be handled by the council clerk's office.

Ms. George told the committee special district boards/commissions are not covered by the draft ordinance. She referred to training scheduled to start this evening. Anna Hartje, Mayors Office explained there were four (4) training sessions per year and would be live on the web. The oath would be administered upon completion of training.

Feigel offered clarification saying new training program that starts today proceeds what was outlined in the draft ordinance. She added training must be within 30 days of taking oath.

Motion by Beard, seconded by Blues to move the draft oath of office ordinance forward to the full council for review, passed without dissent.

2. Ethics Act Financial Disclosure for Board/Commission - Myers

Myers said what they are trying to accomplish will take assistance from state legislation and asked the law department to explain.

Ms. George told the committee state statute lists some boards/commissions that do not fit under KRS65 and can not be included under the ethics act financial disclosure. She explained other changes in the draft ordinance referring to the request to include all boards/commissions to be subject to ethics act, adding there are exceptions to those that are not specific to LFUCG. She said trying to craft a definition of regulatory authority is very difficult. Myers told the committee he would like to see an ordinance similar to Hopkinsville, Ky. (which was outlined in the committee packet)

Motion by Myers to send a request to the full council drafting a resolution asking state legislation to include eight (8) special district boards/commissions which are exempted by state law. (This motion failed for lack of a second and was not voted on)

James asked Myers to *hold* the motion until hearing from other committee members.

Henson commented this ordinance does not include special district boards/commission which appears to be more of a problem than other boards/commissions, referring to spending improprieties.

Crosbie asked if state boards are already filling out ethics act financial disclosure forms, saying she thought this would have already been researched.

Logan Askew, Commission of Law did not know the answer. He talked about interest in enforcing suggesting applying a code of conduct might be worth considering. Crosbie asked for information on how the state handled board/commission disclosure.

Ms. George covered which offices & officers are required to fill out disclosure forms and was asked how this would apply if the council decided to adopt the process from Hopkinsville KY. Adding she did not think it would add anything.

Mr. Askew cautioned referring to Hopkinsville stipulation (\$5K expenditures) saying there could be a flip side to that requirement and how it might extend to other agencies.

Myers said he was not concerned with number affected, either 20 or 100 people that may have to fill out disclosure forms whatever is necessary for compliance.

Askew said you can restrict this to only city board members.

Beard said he did not understand the end result or intention of this draft ordinance or the objective to be accomplished by these disclosures. He wanted to know who will review and how the process will work. He did not see need for such detail, listing shareholder information, etc.

Myers said for the same reason the state decided local governments need to come up with a method of disclosure, referring to recent inappropriate behavior by certain board/commission, citing need for taxpayers to have financial disclosure by those serving on board/commission receiving tax dollars. It's important to know who is receiving money and from what companies, in situations where decisions are being made on contracts, etc.

Mr. Askew said Beard has raised a good point, explaining how filings are handled in the council clerks' office. He said they are only filed, and are not being reviewed. He added all disclosure forms are available for review.

James said perhaps some kind of review process should be discussed.

Mr. Askew covered what information is required to be filed.

Lawless asked Myers if these recommendations apply to non-profit organizations as well. Myers said no, only board/commissions, not our partner agencies.

Feigel said it appears this applies to employees as well as appointed positions by council. Are there not already safeguards in place for employees making decisions on purchasing?

Ms. George said buyers do fill out a statement of interest, however purchasing coordinators do not. They work directly with Central Purchasing, following specific guidelines and are not randomly selecting vendors directly. Mr. Askew said approval is required for all transactions by purchasing coordinators. He recommended input from Central Purchasing on this matter.

Myers summarized discussion and reviewed what he would like to perhaps see added to the draft, referring to the Hopkinsville, KY ordinance. He asked the law department to also look at what the state requires as far as the 8 special district boards/commissions.

Ms. George said she had not looked at language in Hopkinsville, KY ordinance. Myers asked her to look at that and see if any adjustments should be added to the draft ordinance.

Askew recommended having discussions on another draft before bringing it before the committee.

3. Boards & Commissions Reporting – Myers

Shaye Rabold, Mayor's Office updated the committee on difficulties linking the code of ordinances to chapters and the next phase of loading information on-line.

Myers asked how the Mayor's office responds to requirements of boards/commissions. Rabold suggesting creating a template for consistency. She talked about web site training and capacity to search files, adding open records can used to obtain rules for each board/commission.

Blues asked about importance of archiving minutes of meetings asking Rabold to add that as a requirement for reporting.

Feigel talked about taking minutes of meetings and being in compliance with law. Is there oversight insuring minutes are done, updated, posted on-line and available. We will be able to see who is and is not posting, having them on the web site is a good reminder that minutes should be taken.

Ms. Hartje talked about information received in council clerks' office and how it is used. Mr. Askew addressed this issue too.

4. Boards & Commissions with Nominating Bodies – Crosbie

Crosbie expressed concern with special interest groups who have the ability to make nominations to the Mayor for appointments to boards/commissions. Suggesting the Mayor actually select a member from a specific group or organization rather than the group making the nomination. She asked the administration to provide a list of groups/organizations making nominations. She is not prepared to make motions today, but would like this issue held over for discussion at a future meeting.

Feigel noted the advantage of going through the leadership of an organization to get a nominee citing the need for official representation and good communication.

Rabold confirmed the information required.

James asked Rabold for instances when representatives were an issue or problem.

Crosbie said the ordinance will clearly define who will serve. We don't know if the nominee has been vetted through the entire organization and not sure how candidates are being chosen.

5. Citizens Advocate Dispute Resolution Training – Lawless

Lawless expressed concerns about this program saying dispute resolution could carry some liability.

Blues also expressed concern saying this was not part of Citizen's Advocate job description and if dispute resolution would be done after hours or on the clock. He felt it was not part of duties council has authorized citizens advocate office to perform.

Beard was concerned about the prospect of mediation and legal ramifications.

Joan Beck, Citizens Advocate explained this is not intended to be mediation. However, even though she was not sure if dispute training was directly related to the job description but has been tasked with a way of working with neighborhoods and citizens who have already been through other government channels.

James asked how dispute resolution may be perceived as part of Citizens Advocate's job, asking Ms. Beck for examples.

Beck went over ground rules, outlined the proposed training adding she has been encouraged by council members to do conduct neighborhood outreach.

James said the intent of today's discussion was not to discourage community or neighborhood outreach, but to discuss concerns of dispute resolution training. She asked the committee for further input or action.

Motion by Crosbie to discontinue Citizen's Advocate Dispute Resolution Training, seconded by Blues, and passed without dissent.

Meeting adjourned at 3:00 pm