URBAN COUNTY COUNCIL

Inter-Governmental Committee

February 12, 2008

CM James chaired the meeting, calling it to order at 1:00 pm. All members were present except CM Gray and CM DeCamp.

I. Election of Committee Chair

A motion by CM Blues to elect CM James as chair of the Intergovernmental Committee, seconded by CM. Myers, passed without dissent.

II. Selection of Vice Chair

CM James stated she will select a Vice Chair after the meeting since she didn't speak to anyone ahead of time.

III. Review Current Boards and Commissions
Boards/Commissions that Adhere to Ethics Act

Shaye Rabold, Chief of Staff and Anna Hartje, Mayor's Office, gave an overview of the Boards and Commissions. Ms. Rabold stated in the packet (page 90) is a list of boards/commissions that can either be consolidated or may no longer be needed at all. She stated the only recommendation they are making to the committee is regarding the boards/commissions on page 90 of the packet. She stated the majority of the boards recommended for consolidation or doing away with have not met for more than a year and are not in their database.

CM Myers asked if they were able to locate a final report or minutes from these boards to see what their thought process was at the last meeting.

Ms. Hartje stated no.

CM Beard asked what page 2 of the packet shows.

Ms. Hartje stated page 2 through 9 is a short summary as to what the board does. She stated these are current active boards. Ms. Rabold stated the remaining pages are more detailed information regarding the boards/commissions.

CM Blues stated his experience working with a board that has tried to be active and productive is the difficulty of establishing a working relationship with the government. He stated improvements are being made though. He stated there are some boards/commissions that are just out there and we are not doing a good job making them a community partnership with the government.

CM Myers asked about the software used to track boards/commissions.

Ms. Hartje stated the reports are customizable.

CM Myers asked if it is possible to scan in or upload the bylaws/minutes to meetings.

Ms. Hartje stated they are looking at ways to do that.

CM Myers asked how the committee wanted to handle the recommendations regarding the boards/commissions to consolidate or do away with.

CM Blevins asked the law department to draft legislation as if the ones in the list on page 90 are going to be gone and deal with additions/deletions as amendments later on.

CM James asked if someone didn't receive the packet how they would know the names on the list.

Ms. Raybold stated it is not on GTV3 or on the website. She stated the likelihood of citizens out there working on these boards is not very high. She stated there has been no communication from these boards to their office stating they need appointments. She stated they are open to suggestions.

CM James asked Ms. Raybold to read the list.

Ms. Raybold stated before the next meeting they will put more information in writing regarding these boards/commissions.

CM Beard asked if there is any wisdom in requiring these boards/commissions to meet at least once a year with minutes that would be forwarded to council.

Ms. Raybold stated she would agree and that is the prerogative of the council.

CM Henson asked if there is contact information for the ones they want to do away with.

Ms. Hartje stated in the files she went through she did not find a point of contact person.

Ms. Raybold stated they have contact information for those in the front of the packet that are active.

CM Myers stated he would like to see a policy drafted that the boards/commissions meet at least once a year and have all boards/commissions mission statement, bylaws, board roster, and minutes be posted on LFUCG website on a boards/commission webpage.

CM Blues asked that the annual report be included as well.

A motion by CM Myers for the administration to put together a draft policy for the committee to review at its next meeting, seconded by CM Blues, passed without dissent.

Ms. Raybold stated boards/commissions are created by Council and the Mayor's Office is executing the appointments to the boards. She stated the ordinance would be the mission. Ms. Raybold stated not all boards/commissions are required to have bylaws.

CM Blevins stated the directions for boards/commissions come right out of the ordinance. He stated some boards meet only on an as need basis. He stated an annual report may be difficult for some boards/commissions.

Ms. Raybold asked if CM Myers is asking administration to create their own policy or a recommendation that would be in the form of an ordinance.

CM Myers stated a recommendation that would be in the form of an ordinance and bring it back to the next meeting.

CM Myers asked if it is correct that the Library Board of Trustees does not require council approval or does that statement go with the Library Board of Advisors.

Ms. Raybold stated they believe it is with the Library Board of Trustees but will double check and email the answer to the committee. She stated she believes there are two different boards because of state law.

CM Beard stated there is also a Public Library Corporation.

CM Myers asked Ms. Raybold to give the committee a clarification on the three in an email. He asked her to send the email to Paul Schoninger and he will get it to the committee. He asked her to include in the information if the Mayor can appoint people to either of the three.

CM Myers stated the committee had requested the administration take some language that the committee gave them to put together a draft ordinance that would be an amendment to the Ethics Act. He stated the language would spell out different criteria for which boards/commissions would fall under the financial disclosure aspect of the Ethics Act. He stated the ordinance currently names the boards/commissions that are under the financial disclosure aspect of the Ethics Act.

Commissioner Askew stated the ordinance names four boards/commissions that are subject to the code.

CM Myers stated rather than change the language so that each time there is a change in a board/commission we would have to go back and amend the ordinance again. He stated they want to set apart the criteria of which boards/commissions would fall under the Ethics Act and subsequently the financial disclosure aspect of it. He stated in the process of doing this they wanted to wait and see what boards/commissions might be eliminated. CM Myers asked Commissioner Askew for an update.

Commissioner Askew stated they discussed last week the changes that were recommended and have been drafted. He stated as they reviewed the draft it became apparent there might be other parts of the ordinance that need to be reviewed. He stated for instance how members are selected.

CM Myers stated the ordinance spells out clearly the actions taken if one does not fill out the financial disclosure act. He stated we need to educate those asked to serve on boards/commissions what they need to do so they will be in compliance.

Commissioner Askew stated there is a procedure and he does not know that the procedure is being followed.

CM Myers stated we need to look at whose responsibility it is to make sure this is followed through with. He asked if at the next meeting they can expect to have all this.

Commissioner Askew stated yes. He stated KLC came out with a form ordinance when legislature passed the law requiring all local governments to have their own ethics code. He stated they have a file in their office that has information on the discussion as to why the ordinance was limited to just those four boards/commissions. He stated it might be good to have some sort of summary of the discussion. He stated it would increase the workload quite a bit to have someone try and monitor all of the financial disclosures that would be coming in if all boards/commissions are subject it.

Dr. Stevens stated in 1994 Mayor Miller appointed a task force that he chaired to draft the ethics ordinance we presently have. He stated the boards/commissions were limited to those who could have a conflict of property.

Commissioner Askew stated the current proposed draft ordinance would apply to all boards/commissions but the financial disclosure would not apply to all of them.

CM Beard asked if the Board of Health, Library Board, and LexTran Board all of who receive direct funding from our ad valorem taxes under the Ethics Act.

Commissioner Askew stated the way it is proposed now would include those.

CM Myers stated the trigger was you would have regulatory authority or authority to expend funds. He stated we are now looking at a floor to the amount of funds you can expend.

CM Stinnett asked if there is a violation of Ethics Act who a person would file the complaint with.

Commissioner Askew stated if they are subject to the Ethics Code then there is an Ethics Commission. He stated in the Charter there is a section that states the civil service commission will consider ethic complaints.

CM Stinnett asked Commissioner Askew to breakdown the information as to who falls under what.

Commissioner Askew stated there is a state law that applies to LexTran.

CM Stinnett stated the council needs to know if there is something going on with a board that is not ethical.

Commissioner Askew stated that 25-13 of the Ethics Act states that outside of elected officials, commissioners, division directors, positions of buyers and buyer senior of LFUCG, then you have members and chief executive officers of the Board of Adjustment, Comprehensive Plan Update Committee, Ethics Commission and Planning Commission are currently required to file financial disclosures.

CM Myers stated there was one other thing they talked about was where the financial disclosures go when they are completed.

Commissioner Askew stated they go to the Council Clerks office.

CM Myers asked whose responsibility is it to review them to make sure there is not a conflict and that the document is completed completely.

Commissioner Askew stated he does not know who reviews the form to make sure they are completed. He stated if one is not completed it is to be returned.

Susan Lamb, Council Clerk, stated they review them and if there is a problem with someone not filing they take it to the Ethics Commission. She stated they send out notices to those who have not complied. She stated they have not had that much problem.

CM Myers asked if anyone has been fined.

Ms. Lamb stated no not in the last few years as of yet.

CM Myers asked if there have been people who have not complied after they have received the certified letter.

Ms. Lamb stated in the past there has not been an issue. She stated everybody has complied and they have not fined anybody.

CM Myers asked how the timeline works. He asked if the document would be filled out before a person was confirmed or after. He stated he has never received anything from the Ethics Commission or Council Clerks office stating that the person they are confirming does not have a conflict.

Glenda George, Law Dept, stated there is not requirement that council have the statement of financial interest before confirmation. She stated once the form is turned into the Council Clerks office if they fill out the section stating there is a conflict of interest then that is given to the Ethics Commission.

CM Myers asked if that is done before they are confirmed.

Ms. George stated it is not always done before the confirmation. She stated they can change that but right now it is not a requirement.

CM Myers asked what if they do not fill out there is a conflict but there could be one then who reports it.

Ms. George stated if there is not anything written on the form then nobody goes over it but they sign the form stating all information is accurate.

Ms. Raybold stated page 92 of the packet is a form that Louisville uses for its boards/commissions.

CM Myers asked if this is in addition to the changes of the Ethics Act.

Ms. Raybold stated yes.

Commissioner Askew asked if the committee wants law to go on and prepare the paperwork necessary to abolish the boards on the list.

CM Blevins stated motion was made and passed.

IV. Update on Committee Items

CM James stated she talked to Ms. Raybold and the administration is prepared to discuss the issue of the CSEA officers at the next meeting.

CM Myers asked to place on next months agenda the issues of Reviewing Current Boards and Commissions and Boards/Commissions that Adhere to Ethics Act

The meeting adjourned at 2:09 p.m.