

URBAN COUNTY COUNCIL
Inter-Governmental Committee

June 9, 2009

CM James called the meeting to order at 1:33 P.M. All committee members were present. James read a press release from the Mayor's office asking parents to pick up children attending EPS program, due to a homicide at Leestown School. She told the committee two of today's agenda items would not be covered since there is a presentation on both planned for Sept. 15, 2009. The issue of Oaths for Boards & Commissions would be covered first.

I. Oaths for Boards & Commissions- Beard

Beard distributed and introduced a draft ordinance dated May 20, 2009 requiring appointees to boards, agencies and commissions which require council confirmation to take an oath of office or oath by affidavit with 30 days of confirmation.

Discussion:

Lawless asked why we are not making this ordinance retroactive to current board & commission members, referring to section 2 of the draft stating it would not apply to members prior to July 1, 2009. She also referred to the second paragraph, of section 3 suggesting other than a copy of the state auditors recommendations, the ethics act also be included.

Glenda George, Law Dept. replied she added this as an effective date but it can be removed. She said it was not possible to include the ethics act, since all boards and commissions are not subject to it.

Beard commented saying members already serving should also be administered the oath and the effective date clause be removed. He sees no reason why the ethics act could not be included.

Glenda George said the ethics act (chapter 25) only applies to 4 boards/commissions. They are: Planning Commission, Ethics Commission, B.O.A.R. and Comprehensive Plan Update Board, which no longer exists.

Feigel said we should at least provide information or a copy of the ethics act asking all boards or commissions to review. She wanted to know can we make the oath retro active asking current board members to sign.

James confirmed proposed change in language: "I have been provided a copy of the ethics act to review" and perhaps require a signature acknowledging it.

Martin asked Glenda George if we could impose retro active conditions to appointments we've already made. He said he did not think it was possible.

Ms. George replied the law department would have to research that question. She said the assumption was the draft ordinance would become effective upon passage and felt comfortable going forward, not back.

Martin expressed concern saying this oath adopts the state auditors' report/recommendations and cautioned since the council has not fully reviewed them. He suggested taking a strong look at each recommendation. He asked what are the implications to appointees if they did not follow the recommendations. He was not sure there would be any legal recourse. He stated he was in favor of having an oath, but not sure this was it. He asked George if council has ever adopted the state auditor's report.

Ms. George said it was not necessary to use the state auditors' recommendation if the committee chooses not to. However, by including it in the ordinance implies approval or agreement. She said council would have the opportunity to remove appointees for failure to comply. She said no formal adoption of the state auditors report has taken place outside of this draft ordinance.

Blues said Martin's points are good. He said the audit recommendations constitute more of a job description and set of obligations. He asked how to craft an oath bringing forward the recommendations.

Beard observed the problem is having multiple boards with different missions. Some being more visible to the public than others. He asked would it be better if an entity approves the audit recommendation and does not take an oath, or takes an oath if they state they would follow the recommendations.

Martin said if recommendations apply to some and not others, who determines what's applicable? He reiterated the context in which we adopt is important. He said we need to define the role of financial standards and ethics and insure they are applicable. Putting it in an oath is not as effective as perhaps in an ordinance. He suggested language: acknowledging review of KRS 273-215 and applicable documents pertaining to the board to which one is appointed and require signing an annual consent. We may want large boards such as the airport and library to comply with an ordinance like this.

Motion by Feigel directing the department of law to include the committees comments, suggestions, recommendations, re-draft the ordinance for review, discussion at a future meeting, seconded by Lawless, passed without dissent.

Lawless asked Commissioner of Law, Askew, if council has authority to remove any board members. He said there are a few, and he would provide a list of them.

Myers said we are looking for a way to make the ordinance comprehensive and include all necessary criteria at the same time. He asked Askew how an appointee would know what their duties and responsibilities are. Askew replied, the ordinance that established the specific board or commission should also provide an outline to cover that type of information.

2. Review Boards & Commissions - Myers

Myers asked Glenda George to update the committee on status of boards, commissions and committees presented to council for elimination or consolidation. Ms. George said there is an ordinance that can be brought before council regarding the Stonewall Appeals Board. But after discussion it was determined that board would most likely remain. She also mentioned the Urban Renewal Board which is still in existence but not active. Myers asked if it could be dissolved. George replied she would research and follow up with that answer.

James reminded the committee there are still funds related to the Urban Renewal Board and to consider that when making decisions to dissolve or not.

George pointed out a resolution abolishing several boards/commissions and an ordinance in today's packet also dealing with this issue.

Myers and George pointed out some of the difficulties to come up with an ordinance putting all boards and commissions under the ethics act and statement of financial disclosure. He said the Ethics Commission has never imposed a fine for failure to complete a statement of financial disclosure.

Beard and Blues did not agree with the financial disclosure aspect, concerned that citizens might be reluctant to volunteer to serve on boards/commissions

George suggested an option to specify which boards/commissions need to comply with Chapter 25.

Myers clarified the term used was not financial disclosure but rather "statement of financial interest". George added it would be the same form council members are required to fill out.

Motion by Myers directing department of law to amend the draft ordinance that any boards and commissions appointed by the Mayor and approved by Council be subject to compliance of the Ethics Act and Statement of Financial interest act, seconded by Henson. Motion passed with dissenting votes from: Blues, Beard and Martin.

Askew told the committee as part of amending the draft he would also research how other cities were handling this issue and if a dollar value is associated with criteria for a statement of financial interest.

Myers asked Askew to also include history of why we did not proceed in that direction.

3. Update on Committee Items

There was no change to the existing list of items referred to the Intergovernmental Committee.

Motion to adjourn by Beard, seconded by Blues, meeting adjourned at 2:57 pm