

**LOUISVILLE/JEFFERSON COUNTY
METRO ETHICS COMMISSION MINUTES
JUNE 17, 2010**

MEMBERS PRESENT

Ms. Thelma Clemons
Ms. Karyl Ferman
Mr. Larry Grant, Acting Chair
Mr. Jonathan Ricketts
Ms. Terri Todd

OTHERS PRESENT

Ms. Janet Black, Admin. Support, HR
Frank Friday,
Elizabeth K. Hoffman, Dir., Majority Caucus
Councilman Kevin Kramer
Chris Lewis, Deputy Dir., Minority Caucus

The Louisville/Jefferson County Metro Ethics Commission met on Thursday, June 17, 2010 at Memorial Auditorium, Mr. Larry Grant, Acting Chair, called the meeting to order at 3:31 p.m.

The minutes of April 15, 2010 and May 20, 2010 special meeting were reviewed. A motion was made by Ms. Thelma Clemons and seconded by Ms. Terri Todd to approve the minutes of April 15th as written. A motion was made by Mr. Jonathan Ricketts and seconded by Ms. Terri Todd to approve the minutes of May 20th as written.

Mr. Grant informed the Commission that Councilwoman Tina War-Pugh, who chaired the Ethics Workgroup Committee, was would not be able to attend the meeting and introduced Councilman Kevin Kramer whom would speak on her behalf and other members of the Metro Council; Majority Caucus Director, Elizabeth Kinney Hoffman and Metro Council's Minority Caucus Deputy Director, Chris Lewis. Also in attendance from the Jefferson County Clerk's Office were Mr. Frank Friday, Gov. and Community Relations Director.

Mr. Grant reported that the Ethics Commission had received a lot of calls concerning the new ordinance and who all would be covered as was requested by Ms. Hoffman in Advisory Opinion 10-C-003 for clarification. Mr. Grant directed the Commission to a letter that he received from Mr. Charles "Mike" Cronan requesting guidelines on the interpretation of the ordinance and how it would relate to Metro Officers and others. He stated that it was not a legal opinion but a response to his request for clarity.

At this point, Mr. Grant asked the Commission to move to agenda item three under Old Business to allow Mr. Jonathan Ricketts to review steps he has taken in contracting an attorney for the Commission.

Mr. Ricketts presented to the Commission a Request for Qualification (RFQ) that he and his staff drafted to be submitted after reviewing the Ordinance. Mr. Ricketts stated that after speaking with Metro Human Resources about the process, he was given information to contact Louisville Metro Purchasing Department, and was informed that a RFP was not the way for the Commission to acquire an attorney and that we should proceed with a Professional Service Contract. Mr. Ricketts informed the Commission that the RFQ is a list of qualifications that the Commission would request of the attorney to represent the Commission and would like to motion to have the review tabled until the next meeting.

Mr. Grant wanted to know if Mr. Ricketts had incorporated in the RFQ that the attorney or law firm could not have any association with Metro Government. Mr. Ricketts replied that he did not believe that the exact wording was included, but that the RFQ did state as a qualification no "conflict of interest". At this point Mr. Grant asked if Mr. Ricketts would repeat his motion. The motion made by Mr. Ricketts was for the Commission to accept the proposed RFQ and to table the issue of accepting, modifying and objecting until the next meeting. Ms. Thelma Clemons seconded the motion and it was so moved.

Mr. Grant asked Ms. Hoffman to express her concerns to the Commission. Ms. Hoffman stated that the concern of the caucus is about the amendment to the ordinance concerning who is covered as a Metro Officer since additional staff listed is not familiar with the ordinance or its requirement for training. Mr. Grant stated that he and President Owen had conversed by email about the issue and that he had sent out an email to all council members and staff that to assume you are covered until there is a clarification. Mr. Grant stated that he personally contacted Councilwoman Tina Ward-Pugh about the ordinance for clarification. Councilman Kramer stated that he believed President Owen response is most valid in that any Metro Council staff member of either caucus, along with the directors would be considered a Metro Officer. Anyone employed by either of the caucus, along with the President's business staff, and legislative assistants. The purpose of the amendment was to raise the issue that if anyone was in a legitimate position to influence decisions with a council member. Staff members shouldn't be accepting favors in exchange for doing their jobs which in turn could unduly influence council members. Mr. Kramer gave an example of how an entity could try to influence a council member through their staff to justify including all Metro Council employees in the ordinance. Mr. Ricketts questioned whether or not the Commission was voting on the opinion by Ms. Hoffman or if the statement by Councilman Kramer would be enough to justify the answer to the opinion. Mr. Grant asked for a motion. Mr. Ricketts made a motion for the Ethics Chair to prepare a draft addressing exactly the Metro Council employees covered by the ordinance. Ms. Thelma Clemons seconded and the motion was moved.