

**LOUISVILLE/JEFFERSON COUNTY
METRO ETHICS COMMISSION
MEETING MINUTES
November 15, 2012 4:30PM
MEMORIAL AUDITORIUM**

MEMBERS PRESENT

Ms. Thelma Clemons
Mr. Terry Conway
Mr. Skip Daleure
Mr. Jonathan Ricketts
Ms. Susan Rhodes

METRO STAFF & LEGAL COUNSEL PRESENT

Ms. Deborah Kent, Legal Counsel
Ms. Andrea Moran, Admin. Support, HR

Meeting Called to Order

The meeting of the Louisville/Jefferson County Metro Ethics Commission was called to order at 4:38 pm by Jonathan Ricketts.

Approval of Minutes

Commissioner Conway proposed to approve the Meeting Minutes from October 25, 2012, Commissioner Rhodes seconded and the minutes were approved.

Commissioner Conway proposed to approve the Special Meeting Minutes from October 30, 2012 Commissioner Daleure seconded and the minutes were approved.

Old Business

- a. Chair signed and made a motion to adopt the post hearing order for Complaint 12-P-0014 on behalf of the ethics commission. The order outlines the deadlines provided by Hearing Officer Sheadel and show in writing the commission will exceed the deadline with the good cause to brief the 5th Amendment item. The motion passed unanimously.
- b. Chair outlined the findings of the Jefferson County Clerk audit, discussed the option of opening an investigation and opened the item for discussion.
- c. Chair outlined the findings of the Jefferson County Sheriff's Office audit, discussed the option of opening an investigation and opened the topic for discussion

Commissioner Daleure noted that a formal complaint or request for opinion was included with the audits, therefore, not allowing for the Commission to be able to make any decisions.

Chair proposed to table both audit items.

- d. Chair outlined Advisory Opinion 12-C-006 and opened the floor for discussion. Commissioner Daleure proposed that Legal Counsel reconcile the Metro Council Rules and Regulations and the Ethics Ordinance to determine which document take precedence. Chair also proposed that Legal Counsel identify the authorities involved in making a decision on the opinion and prepare a response for the commission.

Legal counsel recommended that the response cover all give-a-away and benefits and would not attempt to set values. The recommended policy would also cover the subject of value of such incentives.

Chair proposed framing a workgroup including Metro Council, majority and minority caucus directors and leaders and financial director. Commissioner Conway may volunteer to find a method to answer mail by having legal counsel form a workgroup. Legal Counsel is in process of forming an intergovernmental workgroup and would report back to the commission the progress of forming policies. Commissioner Conway volunteered to join the workgroup.

Commissioner Conway motioned to make a request to join the workgroup that consists of the Metro Council majority and minority leaders, financial director, County Attorney and Ethics Commissioners.

Commissioner Daleure suggested before forming the workgroup, the commission hear the legal analysis and recommended response of legal counsel, that the Metro Council Rules and Regulations and Ethics ordinance be compared and clarify the issue in order to make a general opinion before forming a workgroup.

Legal counsel is to present the commission a reconciliation of legal authorities and proposed response. Chair tabled the item indefinitely until Legal Counsel can clarify and define the authorities involved and what the counsel is to achieve with this opinion. Legal Counsel will present a document to the Commission within 30-60 days that outlines the questions to be answered by the Commission through the interpretation of the Ethics Ordinance.

Non Agenda Item: Amendments to 2012 Annual Report

Commissioner Daleure proposed to amend line 5 of paragraph 6 under 21.06 Complaints to read "... or by adding an allegation or a violation..."

Legal counsel and Commission engaged in discussion related to reconstructing and making changes to the ordinance. Chair tabled the proposition of making such changes.

Chair made a motion for adjournment with Commissioner Conway seconding the motion, the meeting adjourned at 5:33PM

