



## General Government & Social Services

July 11, 2017

### Summary and Motions

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Chair Lamb called the meeting to order at 1:03 p.m. Committee members Moloney, F. Brown, Henson, J. Brown, Evans, Farmer, Kay, Stinnett and Smith were present. Council Members Plomin and Scutchfield were also in attendance as non-voting members.

#### **I. Approval of June 6, 2017 Committee Summary**

A motion was made by Henson to approve the June 6, 2017 General Government & Social Services Summary & Motions, seconded by Evans. The motion passed without dissent.

#### **II. Review of Ethics Ordinance**

CM Evans introduced the item and said this is pretty similar to what was reported out July 5, 2016, but they wanted the full input from the Ethics Commission which has been received. She said this applies to any elected official including the Mayor, Sheriff, and PVA. CM Evans said a section of the Ethics Act was changed to add a "Declaration" which they got from the charter and this is to help the public and everyone to understand what the real purpose was of the Ethics Act itself. She said there were definitions that were added or updated for clarification purposes. CM Evans said a section was added to explain what is not considered to be a conflict of interest. At the request of the Commission, a definition of official misconduct was added which will explain behaviors by elected officials that are in violation of the Ethics Act. CM Evans reviewed the penalties that have been added. Evans said the Commission reviewed the section on Nomination of Commission Members and that specific organizations were removed and demographics from broader categories were added. She said this will result in the administration having sole responsibility of finding candidates which may be a faster process, but it also eliminates public involvement.

CM Farmer asked if they mainly cleaned up the language in the ordinance. CM Evans said a portion of it was clean-up language, but it has changed significantly by adding definitions for clarification and explanation. CM Farmer commented on the act as it has been changed and asked how it will contemplate the circumstances of elected officials who resigned. CM Evans said there was discussion of the act as it pertains to an official's private life, but they decided it was more important to focus on how someone uses his or her official capacity.

CM Henson asked for clarification on private interest asking if this was just a definition. She asked if there was an example to show what private interest means. CM Evans said that just because you have a private interest, it does not mean that is a conflict of interest. Henson said she does not think it asks those questions on financial statements and asked if that was being revised. CM Evans said it would be revised because currently it is strictly financial interest but will be expanded to include private interests.

CM F. Brown commented on the creation of the Ethics Commission and asked what discussion took place to decide on 9 members. He said information has been deleted that shows where the members

are coming from and leaving it up to the Mayor to appoint these. He said this seems more political and asked what the Ethics Commission's take on this was. CM Evans said she did not vote for this but the majority of the voted for it. Chair Lamb said she was conflicted about coming to the decision because they want to have diverse appointments, but it has also been difficult to get nominations from organizations. She said this is a work in progress. CM Evans agreed that it was difficult getting nominations from organizations. She also said that she does not want to see citizen involvement taken away. CM F. Brown said he cannot support the new language because it takes away from community representation and it gives too much power to the Mayor.

VM Kay asked if the council will have to approve appointments to the Ethics Commission. Chair Lamb said they would. He said this is a simplification for the appointment process and he supports it. He also asked about what grounds for removal from office should be established. Keith Horn said this is something that comes up, even though it is questionable, but there is nothing wrong with looking at it. CM Evans said the matter was discussed and they do not have the authority to remove any elected official per the KRS chapter. VM Kay said that may be true, but the KRS is amendable and he would like to see it brought to committee for more discussion.

CM Farmer said he does not think we should place ourselves in the situation where this ordinance or the work of this ordinance would take place faster than someone's judicial representation might. He believes if someone is involved in a court proceeding, we should not act before that court proceeding is done.

CM F. Brown commented on the "official misconduct" which has been expanded and it gives power to the Ethics Commission. He asked if Ethics Commission meetings are open or closed. Horn said part of what Ethics Commission does is confidential and part is not. Chair Lamb said there are certain issues that are discussed in closed sessions, but they do have minutes and the ones that are open are public record. Horn said any official discipline is going to be open. CM F. Brown is concerned about some issues being discussed in an open session that do not need to be. Chair Lamb said if a complaint has been filed, there is an investigation and a process that takes place. She said there is a significant level of confidentiality that goes with this. CM Evans there would be public complaints that would come through that were made unavailable to persons making an open records request, because it was pending. She said there are exceptions to the Open Records Act and if an issue is still pending or under investigation, information about that complaint cannot be provided.

Chair Lamb expressed concern about the way commission members are created and she thinks we should look into that. She said there is one organization listed that only has one or two members left. She said organizations like that are so thin that they do not have enough people to represent. She said in the past, prior Councils have changed the name of the organization to better represent or try to get members nominated. She said in subsection 9 and 10 where there is information struck through, that is where had to get information from all of the organizations and it was a cumbersome process.

A motion was made by Evans to accept all recommendations except for the membership recommendation in Section 25-20 and move the Review of Ethics Ordinance item to full Council,

seconded by Henson. The motion passed on a 6-4 vote (Moloney, Henson, J. Brown, Lamb, Evans, Smith – Yes; F. Brown, Farmer, Kay, Stinnett – No).

VM Kay asked if this moves forward today does that mean all changes are accepted with the exception of the membership change and will there be no further discussions on membership today. CM Evans said nothing has changed since the original report-out, but there has been discussion on membership and that seems to be a concern. She said she would like to see changes move forward today with the exception of membership and the membership changes can be discussed at a later time. VM Kay asked if the subcommittee will be working on membership changes. CM Evans said she believes the subcommittee completed its work last year when it was initially reported out. VM said functionally if we approve the motion, we are moving to approve the report of the subcommittee except for the section on membership. Chair Lamb said if this moves forward with the exception of section 25-20 pertaining to membership, she would like to see this issue further vetted with administrative involvement.

CM Farmer asked if the motion passes will the item report out in August at the next committee meeting. Lamb said that is correct.

CM J. Brown said the subcommittee's recommendation was this change to the nomination of the Ethics Commission and this was vetted through the subcommittee; he asked if there were other options for the nomination process. He was told there were not. He said some clarification in August on what proceedings are public versus closed would be helpful.

CM Scutchfield said she would have preferred to start a new ordinance because a lot of language has been added but there isn't much clarification. She suggested moving the item forward as suggested by the subcommittee and offer amendments in August.

A motion was made by VM Kay to amend the motion to include Section 25-20 on membership as reported out by the subcommittee, seconded by CM J. Brown. The motion failed by a vote of 3-7 (J. Brown, Kay, Smith – Yes; Moloney, F. Brown, Henson, Lamb, Evans, Farmer, Stinnett – No).

The original motion was voted on and passed.

### **III. LFUCG Employee Evaluation Process**

CM Moloney introduced the item and discussed how it came to committee. Tammy Walters presented the item. She discussed the current process and the current components of the system. She reviewed the current ordinances and the application of those ordinances. She discussed the current process and what it would take to implement a new process and components. She said some of the desired components would be to identify organizational priorities, have a departments and division SWOT analysis, and cascade down the division's SMART objectives.

CM Moloney said this is a better process than moving someone to another division. He asked how often these are completed. Walters said they are not mandatory but are recommended on a yearly basis. CM Moloney said evaluations should be mandatory. Walters said she believes that is something they could work towards.

VM Kay asked if improving the current system or developing a completely new and modern system would be the better option. He also asked what the difference is with time and money between them. Walters thinks using some of both would work best and that determining time and money would be hard to gauge. VM Kay asked what step is next. Walters said it will be based on the feedback they receive. VM Kay asked her if she thinks the current system works well but could use some tweaking. She said yes.

CM Evans asked if evaluations are going to be done instead of just creating a new system. Walters said upgrading the system may allow for more evaluations to happen. CM Evans asked how one gets the option of not evaluating their employees. Walters said part of the problem is tracking the evaluations since they are currently done on paper. CM Evans said she does not understand why completing evaluations is not in job descriptions.

CM Moloney asked if some divisions are told to do evaluations and some are not. Walters said they tell everyone they should. She said it is assumed that supervisors conduct evaluations. CM Moloney stated that it should be mandatory to conduct evaluations. CAO Sally Hamilton said it is difficult to conduct evaluations. She said she is going to find out how many supervisors are giving evaluations and if it is not high number, make it mandatory.

CM Henson asked about the current forms and if they need to be reviewed and simplified. Walters said the evaluations are well rounded. Henson asked how many questions there are. Walters said there are 18 categories with non-exempt employees and a few more for exempt. Henson said she feels like that is a lot. Walters agreed that it may be cumbersome.

Chair Lamb expressed her concern over the language on the docket stating that employees who received a 2 or better on their evaluation will receive a 2% raise when evaluations were not given to all employees. Walters said one employee did receive below a 2 and did not receive the 2% raise.

CM Moloney asked how old the evaluations forms are and asked how they compare to other cities. Walters said she thinks making an upgraded electronic version will work better and that the current forms were last updated in 2001. He recommended bringing this issue up in the next Director's meeting.

No further comment or action was taken on this item.

#### **IV. Items Referred to Committee**

A motion was made by CM Evans to remove the Review of Ethics Ordinance item from committee, seconded by CM J. Brown. The motion passed without dissent.

A motion was made by CM Evans to adjourn, seconded by CM J. Brown. The motion passed without dissent.

The meeting was adjourned at 2:34 p.m.

AML 7.21.17