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Metro Council to attempt to reconcile ethics proposals

By Dan Klepal

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Two versions of a new ethics ordinance were introduced to the Louisville Metro Council last night, and a special committee has been appointed to try and reconcile differences between them.

Metro Council President David Tandy, D-4th District, asked that five council members from each political party sit on the ad hoc committee, on which he will serve as chairman with an agreement that he will not vote on the issue.

Council members have been working for nearly a year to strengthen the ordinance, which governs the conduct of elected officials and appointed managers such as deputy mayors and department heads.

That work fell apart two weeks ago when a group of Democrats, frustrated because they felt their questions and concerns about the ordinance were not being addressed, submitted a version of the ordinance that they wanted to substitute for the first one.

Instead, sponsor Ken Fleming, R-7th District, killed the earlier ordinance by withdrawing his sponsorship. That forced the reintroduction of both ordinances at last night's council meeting and meant the council would have to start from scratch in debating the issue.

"Ain't you ever seen a man go huntin' and kill his own dog?" council member Bob Henderson, D-14th, said, referring to Fleming killing the bill he had worked on for so long.

Representing Democrats on the committee are Cheri Bryant Hamilton (5th), Rick Blackwell (12th), Marianne Butler (15th), Dan Johnson (21st) and Brent Ackerson (26th). Republicans on the committee are Fleming, Kevin Kramer (11th), Kelly Downard (16th), Stuart Benson (20th) and James Peden (23rd).

The ordinances are similar, but each has provisions that are objectionable to the other side.

The newer ordinance, being sponsored by Butler and Jon Ackerson (R-18th), says that anyone who files an ethics complaint "which ... is false, or made in bad faith, or with actual malice, or without probable cause" would be subject to a \$1,000 fine and whatever cost the city's ethics commission incurred to investigate the complaint.

It also prohibits any metro government employee from commenting on an ethics complaint until a decision is rendered, a provision that may violate the First Amendment of the U.S. Constitution.

Peden said levying a fine against someone for filing a false ethics complaint would ensure that no complaints are ever filed.

Henderson, who says he was the victim of a false ethics complaint, said people should be held "accountable" for the complaints they make.

The earlier ordinance, sponsored by Fleming, has provisions against: compelling a subordinate to give loans or charitable contributions; inappropriate political solicitations; conflicts of interest; and misuse of government property and reimbursements. It also requires complaints to be filed with the ethics commission within one year of the alleged violation.

The first meeting of the ad hoc committee will be in two weeks.

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