

Louisville Metro Government



Action Summary - Tentative

Thursday, May 11, 2023

5:15 PM

THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE

Council Chambers/Virtual

Committee of the Whole

*Tammy Hawkins (D-1), Barbara Shanklin (D-2), Kumar Rashad (D-3),
Jecorey Arthur (D-4), Donna L. Purvis (D-5), Phillip T. Baker (D-6),
Paula McCraney (D-7), Ben Reno-Weber (D-8),
Andrew Owen (D-9), Pat Mulvihill (D-10), Kevin Kramer (R-11),
Rick Blackwell (D-12), Dan Seum, Jr. (R-13), Cindi Fowler (D-14),
Jennifer Chappell (D-15), Scott Reed (R-16), Markus Winkler (D-17)*,
Marilyn Parker (R-18), Anthony Piagentini (R-19), Stuart Benson (R-20),
Betsy Ruhe (D-21), Robin Engel (R-22), Jeff Hudson (R-23),
Madonna Flood (D-24), Khalil Batshon (R-25), Brent Ackerson (D-26)*

**Denotes the Committee Chair*

Call to Order

Council President Winkler called the meeting to order at 5:22 p.m.

This meeting was held pursuant to KRS 61.826 and Council Rule 5A. All Council Members attended the meeting in Chambers, except for Council Member Blackwell and Council Member Flood who attended virtually via WebEx.

Roll Call

A quorum was established.

Present: 23 – Committee Member Tammy Hawkins (D-1), Committee Member Barbara Shanklin (D-2), Committee Member Kumar Rashad (D-3), Committee Member Donna L. Purvis (D-5), Committee Member Phillip T. Baker (D-6), Committee Member Paula McCraney (D-7), Committee Member Ben Reno-Weber (D-8), Committee Member Andrew Owen (D-9), Council Member Pat Mulvihill (D-10), Committee Member Kevin Kramer (R-11), Committee Member Rick Blackwell (D-12), Committee Member Dan Seum, Jr. (R-13), Committee Member Cindi Fowler (D-14), Committee Member Jennifer Chappell (D-15), Committee Member Scott Reed (R-16), Committee Member Markus Winkler (D-17), Committee Member Marilyn Parker (R-18), Committee Member Stuart Benson (R-20), Committee Member Betsy Ruhe (D-21), Committee Member Robin Engel (R-22), Committee Member Jeff Hudson (R-23), Committee Member Madonna Flood (D-24), Committee Member Khalil Batshon (R-25)

Excused: 3 – Committee Member Jecorey Arthur (D-4), Committee Member Anthony Piagentini (R-19), Committee Member Brent Ackerson (D-26)

Support Staff

Hollie Hopkins, Jefferson County Attorney's Office
Alice Lyon, Jefferson County Attorney's Office
Robert Tinsley, Civic Innovation and Technology

Clerk(s)

Sonya Harward, Clerk
Olivia Bennett, Assistant Clerk
Marissa Brown, Assistant Clerk

[See the "Unedited Captioning Transcript of Committee of the Whole Meeting – May 11, 2023" attached hereto for additional information regarding discussion of each item.]

Special Discussion

1. **ID 23-0061** Overview of Open Meetings and Open Records Laws/Q&A Session:
Hollie Hopkins & Alice Lyon, Jefferson County Attorney's Office

The following spoke to this item:

- Alice Lyon, Jefferson County Attorney's Office
- Council Member Fowler
- Council Member Kramer
- Hollie Hopkins, Jefferson County Attorney's Office
- Council Member Reed
- Council Member McCraney
- Council President Winkler

Review of Metro Council Agenda

- Council President Winkler reviewed the Metro Council agenda.
- Council Member Flood briefly spoke about the items forwarded from the Planning and Zoning Committee.

2. **ID 23-0062** Metro Council Agenda – May 11, 2023

3. **ID 23-0054** Addresses to Council – May 11, 2023

Presidential Updates

Council President Winkler made announcements regarding the following:

- Primary Election on Tuesday, May 16, 2023
- Recent passing of former Council Member Bill Hollander's mother
- Recent passing of Louisville Metro Police Chief Jackie Gwinn-Villaroel's mother
- No committee meetings the week of May 15-19, 2023 to accommodate Budget Hearings
- Birthdays

Adjournment

Without objection, Council President Winkler adjourned the meeting at 6:01 p.m.

Unedited Captioning Transcript of Committee of the Whole Meeting – May 11, 2023

The local metro Council's regular committee of the whole meeting of May 11th. 2023 will please come to order.

The time is currently 522. 0. P. M, this meeting is being held pursuant to 61 dot 806.

And counsel rule 5 a good afternoon. Everybody good to see you all Madam clerk a roll call. Please.

Council member Hawkins, counsel, member, Shanklin, council member Rashad.

Council member Arthur counsel member purpose.

Council member Baker council member.

Council member Reno, Weber, council member Owen.

Council member Mulvihill, counsel, member Kramer.

Council member BLACKWELL here.

Council member sign Council, member, Fowler, Council, member, chapel.

Council member read council member Winkler president Winkler go here. You don't remember Parker council member.

Council member Benson, resident council member, ruin here council member, angle, Council, member, Hudson Council, member flood.

Here council member bad Sean council member ackrason counsel member Arthur counsel member Baker council member Reno Weber.

Council member council member hill.

Cancel my council member. ackrason Mr President, you have 20 and a quorum. Thank you. Madam. Pleased with the record reflected those. Who are not here. Well, many of them will be arriving shortly and those that are not have excused absences.

So noted colleagues, we have a special discussion this afternoon. We are joined by the Jefferson County Attorney's office for open meetings and open records training.

Uh, Holly and Alice will give us I think if I've gotten this correctly, if I've got it backwards, tell me, but Holly, you're going to cover over open meetings, law analysis you're going to cover open records law.

Right, and you give us a brief overview of the law answer any questions. So we will turn it over to the 2 of you.

Okay.

Good afternoon I'm Alice line and I'm going to talk to you just about the law of open records and not get into the mechanics of how it might work, but quick overview and the 1 key message.

I want all of you to leave with.

Is that you should presume that any record that you or an employee creates.

Or uses, or just possesses is a public record if it touches on your role at Metro Council.

That's that's the key thing to leave here with.

Kentucky courts, and the attorney general, and the general assembly have all in multiple ways,

said that the definitions in the open records act are broad and the exemptions are narrow and you should assume that your communications and your files could be subject to an open records request.

And so I wanted to talk to you about the, the different ways that you as an agency connect with the law because the definition of public agency includes counsel as a body. But it also includes you as individual members.

Andrew district offices and includes council committees, including ad hoc committees that you might form to tackle a special subject and it includes your caucuses and also the Congresses that you form, like, the special interest caucuses,

not just your party caucuses. So, all of those, the records that are created and possessed.

Could be subject to open records request.

And there are some limited exceptions, and we'll talk a little more about those later, but those exceptions require you to describe the record that's being withheld and to describe how the exception applies to that record.

So it isn't a total shield. It's, it's a tool, but it it does it completely.

Obscure the existence of that record or or a little about how it applies.

And I wanted to also talk about some of the records beyond the obvious, like, beyond your official correspondence.

Or legislation that you create some of the records that might be encompassed in the act. And that would be if if you did counsel business on a personal email account, those records would be subject to open records.

If you posted social media for about public business, either. You.

On someone else's account, or you're using an account of your own those could be subject to open records, request, text messages. It's sort of there are a lot of fact, specific case by case factors, but.

A lot of those could be subject to open records request.

And then the act describes records that you use in your public role.

So use would be maybe it's not located in your office, or even in city hall, but it's on the cloud, or it's in another metro office, somewhere off premises, or a shared database. Those could all be subject to open records.

If you use them in your official role.

And records that you retain, I know that you've all heard Kentucky Department of library, and archives has a retention schedule and that's a separate law from open records.

But 1 of the ways that they work together is say, for instance, your routine correspondence, you only have to keep for 2 years. But if you kept it.

For 56 years, and he got a request that encompassed those records that you could have deleted. If you still have them, then they have to be turned over and open records even though you could have deleted them after.

The retention schedule allowed it, and I'm going to talk next about sort of the structure of open records request themselves.

The act requires that you have a custodian, and in the case of each of your individual offices and the bodies of counsel.

The counsel clerk's office is your official custodian, so they have the responsibility for responding to the request that you receive.

So, if you receive 1, that didn't come through the open records portal that Metro has, then you should immediately let the clerk's office. Know because they have 5 days to respond and 5 days.

More than 3, which is what it was prior to July 2021, but 5 is still a pretty short time.

And so any heads up that you give the clerk's office and that we get to help you form your responses.

That's that's good time that we need and that 5 days the answer, the response can be that it's going to take more time to gather the records, but you've got to provide an explanation for why it's going to take more time and you have to give a date certain when you're going to be able to turn the records over so.

Saying you need more time isn't enough if you can't detail how you're going to respond at a later date and give the date.

And you, the act requires that you search.

So let's say you got a request for E mails between your office, and the Indiana Department of transportation, and, you know, that you've never corresponded with that department. The open records act requires that you do a reasonable search.

So, you'd need to search your email for the phrase, Indiana Department of transportation, even though you're.

Fairly certain, you're not going to find anything if there were an appeal like you answered. I don't have those records in the, in the.

Requester appeal your office would be able to need to be able to explain how you searched and what keywords you used. So.

If you didn't conduct the search at all, that's a violation.

And the form of the request from the requester.

Requestors can't ask for a research project. They can't ask you to do homework or gather information for them. They have to describe an actual record that exists.

And there are times when our response to the requester is, that's a request for information and not a request for records and we can deny those in that situation.

And if the request is, it doesn't describe a record at all, let's say it says any in all records.

That you have in your work, right?

That that doesn't describe a record. That's way too broad. We can deny that 1 but if the request said any records, but.

From your office between August 3rd and August 12th of a certain year about horse racing that's more specific. I mean, that identifies actual records. We could look for that.

But if it's too broad, we can deny and those bases.

And as I mentioned before, there are some exceptions.

And they're 16 in the law, and most of them wouldn't apply to the kinds of records that a legislative body would have. But some of the ones that would apply to you guys are there are exceptions for.

Correspondence of a purely personal nature unrelated to government action. So if a request somehow truly captured.

Your letter to your grandchildren that.

That's not good. That's not going to actually be in there, but that's pretty rare situation that that would happen. If records were confidentially disclosed to your body.

Prospective business location, or a business plan for a grant that hasn't been awarded yet those kinds of things their exemptions for that. There are exemptions for the notes. You take.

There are exemptions for the drafts you make their exemptions for preliminary policy opinions, discussions, memos.

Unless, and until those become a final action by the body, and then they lose that preliminary status because they're final then. And those have to be turned over. But when they're still in the discussion phase, or it's an idea that gets floated, that does it turn into a final action?

Those records can be exempted and attorney client privilege records.

If they're about legal advice that our officer or another council is providing to, you.

Those can be exempted and the records that.

The act calls them clearly unwarranted invasions of personal privacy and that's, you know, they're related to your public office but there's a personal aspect too.

And in that case, the open records act asks you to weigh the value of your privacy against the public interest. And if you.

You deny those, then you have to explain how you think that your interest outweighs the public interest.

So, that's that's another exemption, but for each of those, you've got to describe how it applies the records that you have. So, again, it isn't a complete shield. If you've got a record, we're part of it fits 1 of those exemptions.

But most of it doesn't, then you read redact just the part that does and the rest of the record has to be turned over.

And those exemptions we just described, most of them can be waved about you if you decide there's an exemption that applies, but you would like that to be released.

Anyway, as long as they're not another law that seals the confidentiality confidentiality of that record, then you could waive the exemption and.

Send it out anyway and my last section is on what happens if you withhold a record and there's an appeal.

There are 2 paths for requesters to take 1 is free and fairly short term.

It's to go to the attorney general's office and the requester just writes a letter about why they think the denial was improper and the attorney general has 20 days to respond. So that one's pretty quick.

Does it cost the request or anything?

And the attorney general can issues an opinion that's final after 30 days, and a court can enforce it, but they can't put any fees and funds on you because the other method that a requester could do is go straight to circuit court.

And in that case, the court could, if they.

Thought your violation was a willful violation of the open record act. They could award.

Attorney's fees, court costs and a fan of up to 25 dollars per record per day that it was withheld. So, those funds could stack up pretty fast.

But that requires the requester to go to circuit court and go through that process. And in any of those scenarios. scenarios

Our office will represent you, there's a team of 4 of us who work on open records appeals and before it gets to that stage, if you just have questions about a request that you get, you can ask me any time.

If I don't automatically have the answer. I'll consult with those other 3 assistant county attorneys, and the clerks.

Often, ask us questions on your behalf and.

I'm always happy to answer them.

And I'm wondering if you have any any broad questions about the law now, if you have specific questions about records, we'll talk about those 1 on 1 later.

Yes, ma'am. And so you mentioned the retention length of time? Yeah. What is that? Because I've got like, 10,000 emails.

There's a booklet that the Kentucky Department of library archives puts out, and it goes type of record by type of record and the Metro. metro

Their office has all the details on that, so you could look through the document yourself or if you call the archives, they would have the answers to.

Okay, so there's not just a general length of time, 7 years or 3 years. It all depends on what that document is.

Lord, we'll continue to have 10,000 then. Thanks. Are there any other questions.

Counseling Kramer as a counsel person, you represent us.

The court process yes, if there are fans or those fans against the individual citizen, who happens to be a council member.

Or the fans against the council person, or 2.

I'd have to look into that. I don't, I don't know, thank you.

So, I just be curious. Okay.

Anyone else Ali will turn it over to you on open meetings. Thank you.

Hello okay, microphones on how Hopkins with the county Attorney's office and I'm going to take the other piece of this. The open meetings piece. Something you're all very familiar with.

The general goal of open meetings is transparency for the.

Of public business, and that's really the guiding principle under the entire statutory scheme, which is, you know,

in the in chapter 61 whenever a quorum of any public agency is discussing public business, both the public and the media have to be. be

Solidified and have an opportunity to attend. Ok, I want to start by saying council and council committees.

Do a great job of open meetings compliance, but so this is really just sort of a refresher and hit the highlights for you because I think Council does a really fabulous job on this front.

So, the simple premise is assume that any gathering of a quorum.

Of a committee that talks about anything related to business.

Is going to be a public meeting if you're talking about who you're Pixar for the Derby, or where you all go into dinner next week.

Not public business, but if you're touching on anything that could be the subject of legislation better to err on the side of that's public business and subject to open meetings. Okay.

So what is a public agency? Well, it's slightly different for open meetings purposes, then for open records purposes, you individually are not agencies for purposes of meetings, because you can't meet with yourself. Right?

So council is an agency. They're bunch of them listed in the statute, but counsel is an agency.

Every committee of council is an agency, as Alice mentioned as true with open records, caucuses, ad, hoc committees committees,

even if they're just advisory committees are considered public agencies and must comply with the open meetings requirements.

Things created by statute are also open meetings like the merger review commission that's been meeting here. That's a public agency that is subject to open meetings.

And what is a quorum basic? It's the majority of the agency. So of counsel, you've got 26. the quorum is going to be 14 for the committee on committees is comprised of 5 members.

So a quorum would be 3. so a quorum. quorum

Fluctuates depending on the size of the public agency.

So, what's public business?

Well, we'd all have a nice clearer, statutory definition,

but there isn't 1 public business has been defined by the Kentucky Supreme Court as not simply any discussion between 2 officials of the agency.

Public business is the discussion of various.

To give an issue about which the agency has the option to take action.

Not particularly clear, um.

But I think that's intentional, because it is a fluid kind of concept, as is true of much of open meetings, fact, specific determinations as to what falls in public business.

It does not include. It's easier to say what it doesn't include. Does not include day to day administrative.

So, for example, if you all got together to talk about when to have a meeting.

That doesn't constitute a public meeting or a discussion of public business. So you could do that. And that would not be a violation of the open meetings.

But any discussion about legislation, or topics of legislation are subject to open meetings as our trainings that.

Directly relate to your duties as a counsel person. So, for example, open meetings training.

Is required to be conducted in a public meeting, because you are directly required to abide by that law in conducting your business.

You all periodically have, I think, defibrillator training or CPR training. That's not directly related to your business. So that's not required to be conducted in a public meeting.

There are 3 different types of meetings. There's your regular meetings that.

We're having a regular meeting of the committee hold today.

These are held pursuant to schedules that the agency adopts and acts bat ordinance or other method makes that schedule available publishes online for a regularly scheduled meeting.

You're not statutorily required to have.

Have an agenda though, it's great that you do foster transparency helps. Everybody follow along both online and in chambers, but if it's a regular meeting, you're also not limited to an agenda.

So, you can talk about anything because it's a regularly scheduled meeting a special meeting is something that's not on your.

Schedule of meetings, but where you can still give 24 hours, statutorily required notice only the presiding officer can call a special meeting.

So, president Winkler could call a special meeting of comedian, whole or council committee chairs can call special meetings of their committees 24 hours notice. Those do. those do

An agenda, and you are required to stick with discussion only of the items on the agenda and then there are emergency meetings and emergency meetings are anything where you.

Don't think you would have the opportunity to give the media or the public even 24 hours notice that you're going to get together and I can tell you right now the attorney general very rarely finds that there is a situation that meets that requirement.

So, and I've never known counsel to implement an emergency meeting. meeting

In my vast 3 and a half years with the office.

Hello.

Close sessions.

Let me go back to the public meeting for a minute. Public has an op right to attend under the act. The act does not.

Require the body to allow the public to participate.

However, council does, and that's a terrific thing.

You may be aware that in the last legislative session, the general assembly was unhappy with the fact that certain school boards had closed public comment at their meetings. And so now.

They are statutorily required all school boards are statutory are required to allow at least 15 minutes of public comment.

At their meetings, the council through its rules has adopted its own protocol for how it's going to allow public comment in its meeting.

So you've created a limited forum for that purpose, which you're authorized to do and it again foster's dialogue and transparency with the public.

Closed sessions this is the opportunity for certain reasons for the body to deliberate.

Without the public or the media present, and there are a list in the statute of the reasons that a body can go into closed session. Most of them don't apply to counsel, you know.

Parole Board hearings.

Discussion of, you know, nuclear attack plans, those kinds of things. I don't anticipate. That would be something that would come before metro Council.

The 2 that really come to you all most often are pending or proposed litigation and discussion of.

Uh, employment a retention hiring appointment of an individual employee.

It can't be a general personnel discussion, but when you have discussions about an individual employee appointing or reappointed.

When council chooses a clerk that is something that they can do in.

Close session.

There are statutory requirements for going into closed session and they're, they're listed notice in an open meeting. And the reason that you go in.

State the reason that close section applies leave.

Come back announce on the record that you have not taken any final action in a closed session. Okay. Well, there's an exception.

To this that has been interpreted.

1 way by the ages office for decades until 2022.

And then in 2020 to a court, and the attorney general said, no, the exception means what it says.

So, let me elaborate, just for a minute on that.

This exception, which would apply to pending litigation, but would not apply to employment.

Dispenses with.

The delineated statutory requirements that you have to.

Give notice while you're going out, spell out, come back in announce on the record that you have not taken final action, because you can take final action.

In a closed session for these limited purposes, I will send you all the attorney General's opinion that spells this out.

But this was a sea change in how the attorney general has interpreted the written statutory language, which always seemed to be in conflict.

The attorney General's interpretation, but they, they.

Said the general assembly meant what it said so we can talk more about that. If you all have any specific questions after I send you the information on it, but it just know that going forward.

You can take final action on pending litigation in a closed session.

Uh, video teleconferencing, where you're all just way too familiar with how that works and with the pandemic, the general assembly inactive,

and I'm going to say a more permanent video teleconferencing option, which is what you all.

Trade under, and what you have operated on, under really, since the beginning of the pandemic council is very forward thinking, and how it chose to think through doing that.

And a lot of what you all chose to do is wound up in Toronto and statute. So the big takeaways on that, as, you know, are.

You've got to stay in your notice, there's going to be a video teleconference meeting. You have to tell members of the public, and the media how they can view a video teleconference. If you're going to have, you can do a whole meeting video teleconference with nobody physically in the room.

But if somebody's going to be physically in the room, then you have to designate the location and designate the room and the time and the place. And obviously during the height of the pandemic, nobody was in a room anywhere. Right? So we were, everything was.

Totally virtual, and you can do that. Now, 1 of the requirements that is now in that was not before the statutory change is members have to be.

On camera turned on all the time.

In a public meeting, so you.

Need to think of that web ex connection as your virtual counsel room and if you need to walk away from your screen to go to the kitchen and get a cup of coffee or whatever.

Same as if you walked out of the council room to go get a cup of coffee so just leave the camera on throughout the meeting.

Bottom line any interruption in the feed, you got to pause the meeting, you got to stop the meeting until the connection is restored. So, because the public needs to see in here all about transparency, right?

And council has adopted rules for how it's going to deal with those technological snafus, I think rule 5 8.0. point zero

And you all walk through that really well complaints about open meetings violations are slightly different in how they're handled than open records.

The 1st stop, if somebody thinks there's been up in meetings violation, is the complainant sends a letter to the presiding.

Officer of the public agency so if they thought counsel had violated open meetings, they would send a letter to President Winkler councils of body would.

Look at the letter, and the letter has to include a violation and B, how they propose you would fix it.

Has to have both those things and then you can look at.

Look at it as a body and then decide if you agree.

Then end of story yes, we accept. Sorry we'll, we'll do better next time. If you disagree, you write a letter back and why you disagree and if they're satisfied. Okay. And if they're not then.

Same 2 prong path they can go to the attorney general's office.

Or they can go directly to the circuit court and the difference here is there's no time limit in an open records to file an appeal with the there is 60 days for an open meeting's violation.

So, there is a sort of a statute of limitations on an open meeting's violation, go in there and then.

As before if court finds, there was a wilful violation there funds and fees that can be imposed on the agency for open meetings. It is definitely imposed on the agency. So that's it.

At the high level, if anybody's got any questions specific questions, happy to answer.

Great. Thank you. Mr. President. And thank you. Holly. So you mentioned a quorum made up of a.

Committee members are you talking about from the same.

Council committee or from disparate committees.

Just forming a quorum or something? No, sir a committee so has to be each committee is an agency so.

It would have to be the, for example, let's use committee on committees. It would have to be 3 of the 5 members of committee on committees, because you have to have a quorum of an agency and the agency would be the committee. I understand. Thank you. Thank you Mr. President.

Um.

So, I don't think this has anybody here that I had it my way we would all be in council chambers all the time, and not doing this Webex. But but.

Do what we live in, um, your comment was if you were.

That you should treat it the same as if you're here. If you get up and walk away, you should leave the camera on what if a person were to.

Like, decide that, like, if I haven't excused absence, haven't excused.

You know, I can leave early, I need to leave early for some reason if I'm on line and I've got to leave early, I'm going to turn my camera off. I leave I'm going to notify the clerk. I'm gonna say.

This is not a technical problem. I'm signing off. I walk away.

I'm assuming I can still do that. Can imagine that. That's okay. My question was this, so if I've signed off.

Told the clerk I'm leaving, I've signed off, I've left the meeting and then I decided I want to rejoin.

I'm assuming I can join back in even though I've turned my camera, if I could turn back on and rejoin again.

Yes, as long as you are participating in the meeting, your camera needs to be on if you've walked away for a minute, you should leave your camera on because you haven't left the meeting. Just clarifying. That's that's my point. So, if somebody were to say.

I'm taking a break from the meeting. I'm not just I'm taking a break. They can turn there. They can again, I would advocate let the clerk and what you're doing this. Great, but the rest of us are waiting for you because we think there's a problem.

Notify clerk turn off your camera and then go do whatever it is.

And when you come back, you automatically are back in when you turn the camera back on. I believe it would be best to notify the clerk and that she could say the presiding officer could say he's rejoined the meeting.

Just, thank you.

I don't see anybody else in queue. Oh, cancel on McCartney. Thank you. Mr. President. That key thing is no worries. Um, but to that point, I'm glad you brought that up. Councilman Kramer.

It's kind of confusing because some people think that if they turn their camera off, even for a little while,

that that's sufficient because what some people are doing is not turning they might start off.

In the meeting with the camera, then they decide they want to cook dinner or do something, and they just turn the camera off, but they're still listening to the meeting. And I think that's a violation, right?

If you are participating by hearing or whatever your camera must be on.

Council mccanny. That's a great question. I think the interpretations have not necessarily kept up with the change in the technology.

Let me look a little bit at that and get you all a little more specific guidance. I do think technically that would be a violation of the rule.

However, there are older definitions of participation back before they were really video teleconferences that talked about participating.

Um, speaking and voting and.

Being involved in the discussion, actually verbalizing things and that it at that point, it was still possible to participate by slowly listening without being.

Seen, but the law seems to now say you have to be seen and there's a question about what participation means now with the new law.

Okay, just to follow up and that is the point right there because if say, I don't belong to a particular committee, but I want to listen and I turn my camera on, but I don't turn.

I mean, I'm on the line, but I don't turn my camera on because I'm not a part of the committee, but I want to listen to the committee.

That to me, from what I've heard is a violation, my camera should be on. So if you could definitely get us that.

Guidance on the definition of participation that would be helpful. And your finer point is, you know, how does it apply when you're a member of a committee versus just.

An active listener who has a member of the council at large. I haven't been told though, if you're not even a member of a committee, but you're on, they will call you and say, turn your camera on.

Correct oh, we really need clarification. Holly is best best. I think this goes beyond the open meetings and also addresses the council rule that we passed.

So, I think you've got 2 prevailing rules here and the rule we passed says, if you join via the Webex, your camera needs to be on.

Period, okay, if you want to just listen to a meeting.

Watch the streaming on Metro TV, or on Facebook.

But if you're joining your camera needs to be on that account Kramer's question, if you need to leave and you cut off, can you join back? Sure. No different than if you left this chamber for an hour.

There's nothing, we don't keep you from reentering the chamber an hour later. Right right. But if you're on the meeting, your camera needs to be on.

And clarification on that to councilman Kramer's.

Uh, illustration, if you are going to leave for a little while, maybe 20 minutes of the 1 hour meeting, you still need to sign out not just turn your camera correct?

Yes, that's correct. Okay. I'm pleased. Okay.

And I think presidents point that was, that really was what I wanted to clarify if you decide I would if you're in Webex Thank you, you're in Webex or in the meeting right? And if you're in the meeting, your camera has to be on. Correct?

If you decide that you, you want to turn that, and you want out of that. For some reason, you have to leave the meeting.

And to councilwomen McReynolds point, if you've left the meeting, but you still want to pay attention to what's going on again, there's live streaming. You can do that. It just means you have to go from 1 platform to a different platform, and you are at the point, you're just paying attention.

You are just like any other citizen in metro local you're not.

You're not at that point, you're not acting as a council person you're just keeping up with what's going on.

If you want to weigh back in as a council person, you have to come back in to the meeting and again, the camera on that was the point I wanted to clarify because again, I, as much as I don't like it.

If my colleagues are using it, they I would hope that they have enough flexibility that they can come in and out if they need to do that, that just seems most appropriate.

Thank you Alice. Holly, thank you very much.

For your time and the information colleagues.

We'll sort of run through this very quickly anything on tonight's agenda. We have addresses the council.

Yes, sir. We do 9 of them. Hey, do we have a page?

So we don't councilman veteran, and I will be presenting proclamations to the public works employees and 3 citizens that work together to save a man's life after a drug overdose. We'll do that proclamation at the beginning consent calendars items.

Very short content, calendar, 13 to 15. anybody need anything pulled off consent.

Old business, all planning and zoning 16 through 21 I believe item 16 council and founder. We're going to hold at the requests. Okay. So that won't be heard Madam clerk. We, we'll skip item 16. councilwomen flood anything you want to say right now on 17 through 21.

twenty one

No, they were pretty straightforward. In fact, 33 of the cases are for the same type of coffee shop in 3 different districts.

Uh, any comments before the meeting on any of those cases.

Okay, friendly reminder. Tuesday is kentucky's primary election make sure you go out and vote and encourage your constituents to go vote this coming Tuesday.

Finally sort of a change of pace on some more negative news. Um.

I think most everybody knows, but councilman Hollander lost his mother. I think last night please keep him in your thoughts and prayers. And then chief villa, royal royal lost her mother a few days last week.

So, please keep her in your thoughts and prayers as well. Um, I believe we've accommodated councilman BLACKWELL.

The L. P. D hearing is being moved around to accommodate her.

Um, visitation and burial and so that's flip places with the corrections meeting. I believe if memory serves, right?

I think those conversations are ongoing or they're ongoing. Okay. Thank you. So, we'll have an update when we, when we know for. Sure. What her timelines are. Sorry I missed your chair. Oh, I see. I think.

Yeah, we moved corrections up and over to a new date, but I think we sent that out to everyone today but if we did not, we will.

We'll call it tomorrow. Okay. Got it. Um.

Just a reminder, uh, next week, we will not have a regular committee meetings are pushed to the following week. Uh, we have budget hearings on Monday, which now is the corrections.

Um, from 4 to 5, Wednesday, we have economic development, public, health and wellness and youth, transitional services.

Happy birthday councilman Arthur on the 19th of May Lucas.

Breath threlfall, uh, on the 20th.

Dr. Shanklin on the 24th and councilman side on the 28th. So very may heavy, heavy birthday and.

With no further business no other items we send a journey, we will reconvene. Let's call it.