

BOARD OF ETHICS HEARING PANEL
FRIDAY, APRIL 24, 2017, 2 P.M.
ART PICK COUNCIL CHAMBER

MINUTES

PRESENT: Chair Stahovich and Members Tucker, Nelson, House, Ford, and Alternate Wright

ABSENT: None

STAFF PRESENT: Colleen Nicol, Dana Roa, and Robert Hansen

Chair Ford convened the meeting at 2:01 p.m.

PUBLIC COMMENT

Jason Hunter spoke regarding the ethics hearing of April 21, 2017, and today's hearing.

HEARING

Chair Stahovich convened the hearing on the complaint filed by Jason Hunter against Councilmember Mac Arthur alleging violation of the Code of Ethics on July 22, 2014.

Chair Stahovich noted that both complainant Jason Hunter and Councilmember Mac Arthur were present. The City Clerk administered the oath.

Chair Stahovich called upon the parties to present any technical or procedural issues of concern. Mr. Hunter objected to the City Attorney serving as legal counsel to the Board of Ethics, the lack of a process for panel members to recuse themselves, and redactions in the Davis investigation report. Further, Mr. Hunter requested the Panel to request the City Council to (1) halt destruction of all closed session documents and audio tapes related to the Soubirous and Davis investigations; and (2) issue subpoenas for all closed session documents and audio for Councilmembers' Soubirous and Davis' investigations and for the appearance of Councilmembers Soubirous and Davis as witnesses.

Chair Stahovich responded that he sees no conflict of interest for the City Attorney to serve as legal counsel to the Hearing Panel and he's satisfied with the policies in place relative to recusal of Panel Members. He finds no benefit to having an unredacted copy of the Davis investigation for this hearing. The requests for subpoenas of documents, halt of closed session materials destruction, and subpoena of Councilmembers Soubirous and Davis as witnesses will be discussed at the time of deliberation.

Mr. Hunter and Councilmember Mac Arthur presented opening statements. Mr. Hunter presented his evidence and called Councilmember Mac Arthur as a witness. Councilmember Mac Arthur presented his evidence followed by closing arguments by both parties.

Chair Stahovich called for discussion of the remaining technical issues. Following discussion, it was moved by Member Nelson and seconded by Member Tucker to discuss issuance of subpoenas following deliberations. Motion carried with Members Stahovich, Tucker, Nelson, and House voting yes and Member Ford voting no.

Following lengthy discussion, it was moved by Member House and seconded by Member Tucker to cease debate and move to a vote. The motion carried unanimously.

It was moved by Member Nelson and seconded by Member Ford to request the City Council to issue a subpoena for Councilmember Davis to appear as a witness. The motion failed for lack of four affirmative votes with Members Stahovich, Nelson, and Ford voting yes and Members House and Tucker voting no.

Subsequently, it was moved by Member Tucker and seconded by Member House to find that Councilmember Mac Arthur did not violate the Code of Ethics. Motion carried unanimously.

The meeting adjourned at 5:30 p.m.

Respectfully submitted,



COLLEEN J. NICOL
City Clerk