

BOARD OF ETHICS
THURSDAY, MARCH 2, 2017, 5 P.M.
ART PICK COUNCIL CHAMBER

MINUTES

PRESENT: Chair Erin House and Board Members Champagne Ford, Keith Nelson, David Stahovich, Jeff Wright, Gloria Huerta, Freya Foley, and Wendel Tucker

ABSENT: Deborah Macias

STAFF PRESENT: Colleen Nicol and Robert Hansen

OTHERS PRESENT: Kevin Dawson and Jason Hunter

Chair House convened the meeting at 5 p.m.

MINUTES

Following discussion, it was moved by Member Tucker and seconded by Member Nelson to approve the minutes of January 5, 2017, as presented. Motion carried unanimously.

EXCUSAL OF ABSENCES

Following discussion, it was moved by Member Stahovich and seconded by Member Nelson to excuse the absences of Gloria M. Huerta and Jeff Wright from the January 5, 2017, meeting. Motion carried with Members Huerta and Wright abstaining.

HEARING PROCEDURES AND PROTOCOLS

Chair House suggested placing a time limit on presentation of evidence at hearings and proposed two hours with the panel, by majority, able to extend the time. Member Tucker supported one hour for presentation of evidence. Assistant City Attorney Hansen noted that the Chair may set forth parameters for the hearing that are not in conflict with the adopted rules of procedure, including relevancy and redundancy of evidence.

The Board discussed the time involved to review extensive evidence without knowledge of the relevance which may be presented at the hearing. The subcommittee will include this matter in their discussion on informational materials.

Chair House suggested reconsideration of consolidation of identical complaints filed against elected officials. Due to the complication of recusal of Members from the affected Wards, no change was recommended.

The Board discussed the need to have digital evidence in a format that's easy to access. The City Clerk confirmed that with advance notice and time stamp information, audio and video files can be replayed during hearings. Several members noted that the current ordinance and complaint materials clearly indicate that it is the responsibility of the

complainant to compile the evidence in a manner that can be easily accessed by the panel members.

The Board discussed the subcommittee's work to prepare informational materials to assist all parties better understand the process. Several Board members expressed a desire to delay any changes to the rules of procedure until after the current hearings conclude and the hearing panels and all parties have more experience with the current procedures. The subcommittee will present their report on informational materials at the May Board of Ethics meeting.

Following further discussion, it was moved by Member Nelson and seconded by Member Stahovich requesting the City Manager to authorize the necessary resources to video record complaint hearings for posting online. Motion carried with Members Huerta and Wright voting no.

ORAL COMMUNICATIONS FROM THE AUDIENCE


Kevin Dawson spoke regarding the importance of the Code of Ethics and a former complaint. Jason Hunter spoke regarding recusal of the City Attorney's Office from the hearing proceedings, consolidation of complaints against elected officials, use of audio video equipment during complaint hearings, and pre-hearing meetings.

ITEMS FOR FUTURE BOARD CONSIDERATION AS REQUESTED BY BOARD OF ETHICS MEMBERS

Member Nelson requested a review of the procedures for exchange of evidence between parties. Member Ford requested discussion of pre-hearing meetings. Member Huerta requested discussion of recusal of panel members. Member Stahovich requested discussion of Brown Act implications for service of Members on multiple panels for related complaints. Member Wright requested discussion of where public comment is held at complaint hearings and the role of the City Attorney's Office in providing counsel to the Board of Ethics. Member Huerta requested training on the role of hearing panel chairs. Member Ford requested consideration of evening hearings which Chair House confirmed will be considered on a case-by-case basis.

The meeting adjourned at 6:10 p.m.

Respectfully submitted,



COLLEEN J. NICOL
City Clerk