

BOARD OF ETHICS HEARING PANEL
TUESDAY, APRIL 18, 2017, 9 A.M.
ART PICK COUNCIL CHAMBER

MINUTES

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

ABSENT: None

STAFF PRESENT: Colleen Nicol and Robert Hansen

Chair Tucker convened the meeting at 9 a.m.

PUBLIC COMMENT

There was no one present wishing to speak.

HEARING

Chair Tucker convened the hearing for the Code of Ethics complaint filed by Jason Hunter against Councilmember Perry. Complainant Jason Hunter and Councilmember Jim Perry were both present. The City Clerk administered the oath.

Jason Hunter noted that he had requested subpoena of City Council documents, minutes, and audio of any relevant discussions, not only the July 22, 2014, meeting. He further requests subpoenas for appearance of the entire City Council, former City Manager Scott Barber, and former City Attorney Gregory Priamos. Further, he objects to the redactions to the report on the investigation of Councilmember Davis and is uncomfortable with the pressure on the City Attorney by elected officials as the Board's legal advisor.

Chair Tucker responded that requests for subpoenas or waiver of privilege by the City Council will not be considered until the panel commences deliberation. The closed session subpoenas have already been ruled upon by the City Council and rejected. As to the redactions in the Davis investigative report, the hearing today concerns the accusations of violations of the Brown Act and Code of Ethics. The panel will not be retrying the underlying controversy so the redactions do not appear to be relevant. The pressure on the City Attorney as counsel to the hearing panel was discussed previously and the City Attorney will remain legal counsel to the Board and hearing panels.

Mr. Hunter and Councilmember Perry presented opening statements.

Chair Tucker granted Mr. Hunter 45 minutes to present his evidence. Mr. Hunter proceeded, including calling Councilmember Perry as a witness. During the presentation, Mr. Hunter requested replay of a portion of a meeting video. The request was denied. During the hearing, Member Wright objected to introduction of evidence in a form not

submitted with the original complaint. The objection was noted and the hearing proceeded. Councilmember Perry was excused as a witness.

Following discussion and without formal motion, Mr. Hunter was granted an additional 30 minutes to present evidence with Member Wright voting no.

Mr. Hunter proceeded with and concluded his presentation of evidence. Councilmember Perry presented his evidence.

Mr. Hunter and Councilmember Perry presented closing statements.

PANEL DELIBERATION

Chair Tucker asked for motions, if any, on Mr. Hunter's requests for subpoena of closed session minutes and relevant parties. No motion was made or entertained.

Following discussion, it was moved by Chair Tucker and seconded by Member Wright finding no violation of the Code of Ethics and Conduct by Councilmember Perry in the complaint filed by Mr. Hunter. Motion carried unanimously.

The panel adjourned at 11:36 a.m.

Respectfully submitted,



COLLEEN J. NICOL
City Clerk