

CODE OF ETHICS AND CONDUCT
REVIEW AD HOC COMMITTEE
MONDAY, NOVEMBER 16, 2015, 5:30 P.M.
FIFTH FLOOR LARGE CONFERENCE ROOM

MINUTES

PRESENT: Chair Blumenthal and Members Webb, Sayavong (Alternate), Macias, Barth (Alternate), House, Zarate, Manning, Stahovich, Vaughn-Blakely, Greene (Alternate), and Palacios

ABSENT: Members Pacheco

STAFF PRESENT: Colleen Nicol, Robert Hansen, and Lorena Verduco

Chair Blumenthal convened the meeting at 5:37 p.m.

ORAL COMMUNICATIONS FROM THE AUDIENCE

There were no oral communications from the audience.

APPROVAL OF MINUTES

It was moved by Member Stahovich and seconded by Member Webb to approve the minutes of the meeting of November 2, 2015, as presented. Motion carried unanimously.

MEETING SCHEDULE

Following discussion, it was moved by Member Manning and seconded by Member Zarate that the meeting of December 7, 2015, be rescheduled to December 14, 2015, at 5:30 p.m. Motion carried unanimously.

REVIEW OF DRAFT RESOLUTION/ORDINANCE

Following discussion, and without formal motion, the Committee unanimously agreed on the following draft ordinance amendments:

Complaint procedures.

Paragraph C. Amend first phrase to read, "Complaints shall include, but not be limited to, all of the following:"

Paragraph C.7. Amend to read, "7. The names, addresses, telephone numbers and email addresses, if known, of each person the complainant intends to call as a witness at the hearing;"

Member Stahovich requested "other" be added to the complaint form for types of materials submitted with the complaint.

Paragraph E. Delete, "A new complaint shall thereafter be required to be filed with the City Clerk."

Paragraph F. Amend to read, "Within ten (10) City business days of the City Clerk deeming the complaint complete, the City Clerk shall set the matter for hearing before a hearing panel of the Board of Ethics within forty-five (45) calendar days of the complaint being deemed complete and notify the complainant and the elected or appointed official against whom the complaint is filed in writing of the date, time, and location of the hearing."

It was suggested that an opportunity for the complainant to identify dates of unavailability also be added to the complaint form.

Paragraph H. Amend first sentence to read, "The elected or appointed official against whom the complaint is made shall file the following with the City Clerk no later than twenty (20) calendar days prior to the date set for the hearing."

Paragraph H.1. Amend to read, "A written reply to the complaint, if desired;"

Paragraph H.3. Amend to read, "The names, addresses, telephone numbers and email addresses, if available, of any person the elected or appointed official intends to call as a witness at the hearing."

Hearing Procedures

Paragraphs D and E will be combined. Language will be added to allow additional materials to be submitted upon a showing of good cause, as determined by the Board of Ethics.

Paragraph F.3. Amend to read, "The complaint alleges a violation of one or more of the ~~enumerated~~ provisions of the Prohibited Conduct section of this chapter; and"

Paragraph G. Amend references to "subsection F".

Paragraphs H and I. The stated timing shall be removed and language inserted wherein the Hearing Panel shall determine the appropriate amount of time for each side to present their case; and during the course of the hearing, if by motion of the Panel, additional time may be granted, upon request.

Appeal Procedures

The City Attorney will draft a section to provide that the complainant and/or subject of the complaint shall be prohibited from participation in the hearing of the appeal.

Enforcement and Sanctions

First paragraph, "Upon a finding of a majority of the Mayor and City Council...."

Following discussion, it was moved by Member Zarate and seconded by Member Manning concurring with Assistant City Attorney Hansen's suggestion to redraft the resolution to include the same provisions as the ordinance, as an option for the City Council. Motion carried unanimously.

The meeting adjourned at 7:31 p.m.

Respectfully submitted,



COLLEEN J. NICOL
City Clerk