

BOARD OF ETHICS HEARING PANEL
FRIDAY, APRIL 21, 2017, 8:30 A.M.
ART PICK COUNCIL CHAMBER

MINUTES

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

ABSENT: None

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

Chair Ford convened the meeting at 8:36 a.m.

PUBLIC COMMENT

Jason Hunter spoke regarding subpoenas for closed session minutes and appearance of Councilmembers and document redactions.

HEARING CONTINUATION

Chair Ford reconvened the hearing continued from February 10, 2017, on the complaint by Jason Hunter against Councilmember Melendrez alleging violation of the Code of Ethics on July 22, 2014. Chair Ford noted that Mr. Hunter and Councilmember Melendrez were present and that all parties were administered the oath at the prior meeting. Chair Ford announced that the City Council had declined the Hearing Panel's request for waiver of closed session and attorney client privilege to produce audio recording of the July 22, 2014, City Council closed sessions.

Mr. Hunter and Councilmember Melendrez presented opening statements. Chair Ford granted Mr. Hunter thirty minutes to present evidence.

At the conclusion of the thirty minutes and following discussion, it was moved by Member Tucker and seconded by Member Nelson to grant Mr. Hunter an additional twenty minutes to present evidence. Motion carried unanimously.

Councilmember Melendrez offered no further comment as evidence.

Mr. Hunter offered his closing statement. Councilmember Melendrez declined the opportunity to present a closing statement.

Following discussion, it was moved by Member Nelson and seconded by Member Stahovich to request the City Council to subpoena the appearance of Councilmembers Davis and Soubirous as witnesses for Mr. Hunter. Motion failed for lack of four affirmative votes with Members Macias, Nelson, and Stahovich voting yes and Members Tucker and Ford voting no.

Following further discussion, it was moved by Member Tucker and seconded by Member Nelson to (1) continue this hearing to a future date; and (2) request the City Council seek a decision from the Attorney General on whether the City Council violated the Brown Act on July 22, 2014. Motion carried with Member Ford voting no.

Assistant City Attorney Hansen advised that a request to the Attorney General must be very specific.

Following further discussion, it was moved by Member Tucker and seconded by Member Nelson to delegate authorship of the final wording to be forwarded to the City Council for the Attorney General request for review to Chair Ford within the parameters as previously set forth by the Hearing Panel. Motion carried unanimously.

The meeting adjourned at 11:21 a.m.

Respectfully submitted,



COLLEEN J. NICOL
City Clerk