

BOARD OF ETHICS
THURSDAY, JULY 6, 2017, 5 P.M.
ART PICK COUNCIL CHAMBER

MINUTES

PRESENT: Chair House and Members Foley, Ford, Nelson, Macias, Stahovich, Wright, and Huerta

ABSENT: Member Tucker

STAFF PRESENT: Colleen Nicol and Robert Hansen

Chair House convened the Board of Ethics at 5 p.m.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Jason Hunter spoke regarding ethics hearings held.

MINUTES

Following discussion, it was moved by Member Nelson and seconded by Member Huerta to approve the minutes of the meeting of June 1, 2017, as presented. Motion carried unanimously with Member Stahovich abstaining.

EXCUSAL OF ABSENCES

Following discussion, it was moved by Member Huerta and seconded by Member Macias to excuse the absences of Members Ford and Stahovich from the June 1, 2017, meeting. Motion carried unanimously with Members Ford and Stahovich abstaining.

COMPLAINT PROCESS AND HEARING PROCEDURES – SUBCOMMITTEE REPORT

Members Huerta and Foley reported on draft documents prepared by the subcommittee for the public to explain the complaint process and hearing procedures. Following discussion, it was moved by Member Stahovich and seconded by Member Ford to table this matter to a future meeting pending completion of review and discussion of the Code of Ethics and hearing procedures. Motion carried unanimously.

WRITTEN STATEMENTS OF FINDINGS AND DECISIONS

City Clerk Nicol reported on the preparation, content, timing, and purpose of Statements of Findings and Decisions.

Following discussion of the Statement of Findings and Decision for Hunter v. Perry for April 18, 2017, it was moved by Panel Member Nelson and seconded by Panel Member Ford to approve the Statement as submitted. Motion carried with Panel Members Ford, Macias, Wright, and Nelson voting aye and Panel Chair Tucker absent.

Following discussion of the Statement of Findings and Decision for Hunter v. Mac Arthur for April 24, 2017, it was moved by Panel Member Stahovich and seconded by Panel

Member Nelson to approve the Statement as submitted. Motion carried with Panel Chair Stahovich and Panel Members Nelson, House, and Ford voting aye and Panel Member Tucker absent.

Following discussion of the Statement of Findings and Decision for Hunter v. Gardner for May 5, 2017, it was moved by Panel Member Huerta and seconded by Panel Chair House to approve the Statement as submitted. Motion carried with Panel Chair House and Panel Members Nelson, Wright, and Huerta voting aye and Panel Member Tucker absent.

HEARING PANEL CHAIR MEETING PROCEDURES – TABLED TO LATER IN THE MEETING

The Board of Ethics discussed the Hearing Panel Chair Meeting Procedures including time limitations for presentation of evidence, timing and time limitations for rebuttal evidence presentation, timing for consideration of subpoena requests, subpoena powers of hearing panels, for whose benefit the Code of Ethics provides subpoena powers, and if the City Council through the Code of Ethics retained the subpoena power or delegated it to the Board of Ethics.

Following discussion, it was moved by Member Huerta and seconded by Member Stahovich to amend the agenda to table action on this matter until later in the meeting following discussion of the hearing rules and procedures and consideration of appointment of an ad hoc subcommittee for creation of a hearing panel agenda template. Motion carried unanimously.

Following further discussion, it was moved by Member Huerta and seconded by Member Stahovich to consider the agenda item related to review of hearing rules and procedures prior to consideration of the appointment of an ad hoc subcommittee for creation of a hearing panel agenda template. Motion carried unanimously.

REVIEW OF HEARING RULES AND PROCEDURES

The Board of Ethics Members discussed the hearing rules and procedures as adopted on January 5, 2017, including amending the rules to provide that the written Statement of Findings and Decision only be required when a panel finds a violation of the Code of Ethics and with the motion and vote at the hearing becoming the Statement of Findings and Decision when no violation is found. Time limitations of one hour for presentation of evidence and thirty minutes for rebuttal for each party were proposed with the hearing panel retaining the ability to waive the time limits by a majority vote. An alternative to time limits was suggested to focus the process with the panel chair keeping testimony and presentation of evidence on topic. The Board discussed review of the full hearing process including a possible screening to determine if a complaint warrants a full hearing. Current provisions for dismissal without hearing were noted.

No action was required or taken.

AD HOC SUBCOMMITTEE APPOINTMENT – HEARING PANEL AGENDA TEMPLATE

Following discussion and without formal motion, Chair House accepted the offers of Members Macias, Nelson, and Stahovich to serve with him on an ad hoc subcommittee to develop a hearing panel agenda template.

ROLE OF CITY ATTORNEY'S OFFICE – CONTINUED TO LATER IN THE DAY

After brief discussion, Chair House deferred discussion of the role of the City Attorney's Office in providing counsel to the Board of Ethics until following closure of the discussion on hearing panel chair meeting procedures.

HEARING PANEL CHAIR MEETING PROCEDURES

The ad hoc subcommittee will review the hearing panel chair meeting procedures as part of their work for a report back to the Board of Ethics. No formal action was required or taken.

ROLE OF CITY ATTORNEY'S OFFICE

The Board discussed the role of the City Attorney's Office in providing counsel to the Board of Ethics and agreed the City Attorney serves an advisory role regarding procedures and rules, not the facts of the complaint or evidence. No formal action was required or taken.

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

Chair House announced that RMC Section 2.78.110 provides that in August of each year the Board of Ethics shall review the Code of Ethics for recommendations to be heard by the City Council Governmental Affairs Committee and the City Council. The ad hoc subcommittee report on procedures will also be heard in August, if the report is complete.

The meeting adjourned at 6:46 p.m.

Respectfully submitted,



COLLEEN J. NICOL
City Clerk