

BOARD OF ETHICS
THURSDAY, JANUARY 4, 2018, 5 P.M.
ART PICK COUNCIL CHAMBER

MINUTES

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

ABSENT: Vice-Chair Huerta

STAFF PRESENT: Robert Hansen and Colleen Nicol

Chair House convened the meeting at 5:04 p.m.

ORAL COMMUNICATIONS FROM THE AUDIENCE

There was no one present wishing to speak.

MINUTES

Following discussion, it was moved by Member Nelson and seconded by Member Stahovich to approve the minutes of November 2, 2017, as presented. The motion carried unanimously.

GOVERNMENTAL AFFAIRS COMMITTEE AND CITY COUNCIL MEETING REPORTS

Chair House summarized the City Council discussion and adoption of the amendments to Chapter 2.78 as recommended by the Board of Ethics and City Council Governmental Affairs Committee including Section 2.78.060 M. Violations of Federal, State, or Local Law Prohibited, Section 2.78.060 Prohibited Conduct, and timeline changes for simplification and scheduling accommodations. Chair House further reviewed comments received by the City Council for additional considerations as further outlined in the written materials some of which will be discussed later on this agenda. No formal action was required or taken.

ANNUAL REPORTS TO THE CITY COUNCIL

Chair House noted the City Manager's request that the annual review of the Code of Ethics and related reporting provisions be amended to clarify that the City Manager "transmits" the report from the Governmental Affairs Committee to the City Council without expectation of City Manager recommendations. Following discussion, the Board of Ethics declined to recommend any change to the Code of Ethics in this regard, feeling the current language was clear in its intent. No formal action was required or taken.

COMPLAINT VETTING PROCEDURE

Member Wright presented a proposal for a Board of Ethics preliminary review of complaints as further outlined in the written materials to determine by a two-thirds majority vote to (1) defer action to a later date; (2) decline to hear the complaint; (3) refer the complaint to a more appropriate venue; or (4) direct the City Clerk to convene a hearing

panel. Subsequently, Assistant City Attorney Hansen presented the framework of two additional options as further outlined in the attached materials for a preliminary review for the purpose of determining if the complaint warrants a full hearing.

Following discussion, it was moved by Member Nelson and seconded by Member House to (1) conceptually approve the framework of Option 1 outlined in the written materials presented by the Assistant City Attorney; and (2) request the Assistant City Attorney to prepare a draft ordinance implementing Option 1 for consideration at the February 1, 2018, meeting. The motion failed with Members Nelson, Wright, and House voting aye and Members Foley, Ford, Stahovich, Macias, and Tucker voting no.

Following further discussion, it was moved by Member Stahovich and seconded by Member Tucker to (1) conceptually approve the framework to amend the hearing process time limits to allow selection of a hearing panel and conduct of a preliminary hearing by the hearing panel at the end of a regular Board of Ethics meeting to determine if the complaint meets the threshold of an ethics violation; and (2) request the City Attorney to draft the appropriate ordinance for consideration at the February 1, 2018, meeting. The motion carried with Members Ford, Nelson, House, Stahovich, Wright, Macias, and Tucker voting aye and Member Foley voting no.

Assistant City Attorney Hansen will work with the hearing process subcommittee on the above direction.

BLUMENTHAL/LOVERIDGE CORRESPONDENCE

Chair House noted that the recommendations cited in the letter authored by Virginia Blumenthal and Ronald Loveridge have been implemented or will be addressed in the hearing process subcommittee report at the next meeting. No formal action was required or taken.

PLANNING COMMISSION AND BOARD OF PUBLIC UTILITIES CORRESPONDENCE

There were no further requests for consideration of recommendations from the correspondence received from the Planning Commission and Board of Public Utilities other than those recommendations currently under review by the Board of Ethics and subcommittee.

SUBCOMMITTEE HEARING PROCESS TEMPLATE - CONTINUED

Consideration of the hearing process template was continued to the February 1, 2018, meeting to allow the subcommittee to complete their work.

ITEMS FOR FUTURE MEETINGS

There were no items requested for consideration at a future meeting.

The meeting adjourned at 7:04 p.m.

Respectfully submitted,



COLLEEN J. NICOL
City Clerk