

BOARD OF ETHICS HEARING PANEL  
THURSDAY, AUGUST 6, 2020, 6 P.M.  
VIRTUAL MEETING

MINUTES

PRESENT: Chair Foley, and Members Huerta, Newman, Keen, and Stahovich, and Alternate Ford

ABSENT: None

STAFF PRESENT: Colleen Nicol and Brandon Mercer

PARTIES PRESENT: Jason Hunter

Chair Foley called the meeting to order at 6:25 p.m.

ORAL COMMUNICATIONS FROM THE AUDIENCE

Rich Gardner spoke regarding placement of logos on City Council business cards. Raychele Sterling spoke regarding misuse of public funds and other State and Federal violations. Don Gallegos spoke regarding live streaming of the pre-hearing and City Council members' treatment of each other. Linda Lawyer spoke regarding placement of the union bug on Councilmember business cards. Joseph Peter Meyers spoke regarding the Brown Act and the agenda wording regarding City Council business cards. Jason Hunter read a letter from Neighbors Better Together regarding use of the union bug on City stationary or business cards. Member Keen read the eComments into the record.

ETHICS COMPLAINT PRE-HEARING

Chair Foley opened the pre-hearing proceedings on the Code of Ethics and Conduct complaint filed by Jason Hunter against Councilwoman Plascencia alleging a violation on December 17, 2019, regarding City Council consideration of placement of the union bug on Councilmember business cards.

Following discussion, it was moved by Member Stahovich and seconded by Member Newman to find that (1) the complaint procedures have been followed; (2) the complaint is against a public official subject to the Code; (3) the complaint alleges a violation of one or more prohibited conduct sections of the Code; and (4) the complaint does not restate allegations of violations that were the subject of a previous complaint. The motion carried unanimously.

As Councilmember Plascencia was not present, there was no opportunity to facilitate settlement discussions.

Following further discussion, it was moved by Member Stahovich and seconded by Member Keen to accept the additional evidence submitted by the complainant identified as Exhibits A, B, and C. Motion carried unanimously.

Complainant Hunter presented evidence supporting the allegations in the complaint. There were no public comments.

Following further discussion, it was moved by Member Huerta and seconded by Member Stahovich finding that the evidence, if taken as true, more likely than not shows a potential violation of prohibited conduct of the Code of Ethics. Motion carried unanimously.

Complainant Hunter requested issuance of subpoenas to representatives of the City Clerk's Office and Purchasing Division of the Finance Department. The City Clerk confirmed that staff representatives would be willing to appear without issuance of a formal subpoena.

Following further discussion, it was moved by Member Stahovich and seconded by Member Newman to (1) decline the request for issuance of a subpoena to compel attendance of a representative of the City Clerk's Office; and (2) request the City Clerk to appear. Motion carried unanimously.

Following further discussion, it was moved by Member Huerta and seconded by Member Stahovich to (1) decline the request for issuance of a subpoena to compel attendance of a representative of the Purchasing Division; and (2) request the City Clerk to request the City Manager to provide information on purchasing procedures or identify a representative to participate in the hearing. The motion carried unanimously.

Following further discussion, it was moved by Member Huerta and seconded by Member Stahovich to set a time limit of 25 minutes for each party to present their case. The motion carried unanimously.

Deputy City Attorney Mercer noted that any questions on evidence presented in Councilwoman Plascencia's response can be handled at the hearing.

Chair Foley agreed to permit submittal of questions of staff by Mr. Hunter in advance of the hearing. Mr. Hunter was directed to submit the questions for staff witnesses to her in advance for review. The City Clerk will serve as timekeeper at the hearing.

The meeting adjourned at 7:41 p.m.

Respectfully submitted,



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COLLEEN J. NICOL  
City Clerk