

COBI ETHICS BOARD

Regular Meeting

Monday, January 23, 2023

6:30 PM – 8:00 PM

In-person and Via Zoom

Minutes

1. Call to Order - Meeting was called to order at 6:30 pm. Present were: Rafael Escandon (Deputy Chair), Donna Davison, Rosemary Hollinger, Doña Keating, Ben Woodruff, Andrew Tsoming (legal counsel to Ethics Board), and Peggy Nimb (City Staff). Absent: Jim Cash (Chair).

2. Disclosures of Conflict of Interest – None.

3. Approval of the Agenda - Motion to approve the agenda as presented made by Donna Davidson; seconded by Doña Keating, and passed unanimously.

4. Acceptance of meeting minutes – Motion to accept the minutes of December 19, 2022 made by Doña Keating, seconded by Ben Woodruff and passed unanimously.

5. The Ethics Board acknowledged the departure of BI City Attorney Joe Levan, effective in January, 2023. Interim plan for Joe's replacement and legal coverage will be covered by Jim Haney (Ogden Murphy Wallace) in the interim. Additional questions to be discussed on a needs basis and as details develop.

6. Review Status of Pending Complaints - No change in status of pending complaints. No new complaints.

7. Public Comment -

One member of the public commented both live (via Zoom) and then, as a follow-up point, included comments into Zoom's Q&A feature. The latter written comment was read into the meeting recording by Ben Woodruff.

Summarizing the general topic of the citizen's comments related to their review of the Ethics Board's Draft 2022 Annual Report, and the Board's report that no complaints had been rendered during that year by the public. Based on the absence of complaints in 2022, the citizen asked that consideration be given to whether the Ethics Board was viewed as being "quite hard" on complainants; based on elements experienced in 2021 (example of article written by a former City Council member was given). In light of that experience, the citizen asked whether the Ethics Board could reflect upon that and consider whether the public sees it as a relevant, impartial, effective public option, or if the Board was viewed as otherwise.

The written comment referenced as a potential example of reluctance/or a barrier to render complaints to the ethics board, a recent City Council meeting where a behavior occurred that they felt violated ethics policy, yet no one reported this incident to the Ethics Board.

7a. Response to Public Comment –

Summarizing Ethics Board's discussion of the spoken comment - David Mallon expressed acknowledgement of the comment, appreciation on behalf of the Ethics Board, and a commitment that the Board would give the comment/sentiments due consideration. Doña Keating reiterated the sentiment/goal is that the Ethics Board be educational in nature with an aspiration that partnership with the public includes transparency in the process with a desire to reach mutual resolution and/or modeling ethical conduct through learning. Allowing the public a non-punitive avenue with which to express concerns is the goal, and ultimately, if the partnership between the Board, the public and elected officials functions well, a reduction in the number of ethics complaints may be construed as a positive.

To the written Q&A comment - Doña Keating responded, being familiar with the meeting/incident referenced and reiterated the educational function of the Ethics Board. Doña also provided a personal example illustrating her experience in such circumstances. Ben and Rafael reiterated the desire, as members of the ethics board, for the community to have confidence in the objectivity and integrity of the board and to view it as a community resource without barriers to access or biases in its deliberations.

The citizen expressed thanks in the written chat.

8. Training Sub-Committee Report – With respect to the 2023 Working Plan - At the time of this meeting, the board was still awaiting the commitment of City Council on training date(s) and details of virtual vs in-person and which ethics board members would be available in a live vs. a hybrid scenario.

Re: scheduling with City Council - Because Joe Levan was coordinating the logistics of training with City Council, request was made to follow up with City Manager to arrange; as Ethics Board wishes to comply with proposed deadline of 2/14/2023. It was confirmed by Peggy Nimb that the training was on the Council's agenda for 2/14/2023, with the caveat that it could change.

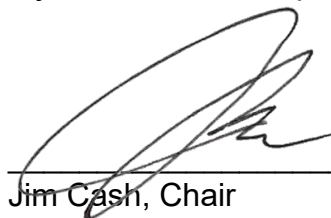
9. Review Draft of Annual Report – Several comments made re: missing details in Sections IV (Requests and Recommendations) and Section V (2023 Work Plan). Omissions and typos likely due to prior document versioning/inadvertent loss of edits in the iterative process. Ben Woodruff volunteered to be the editor of the original document, to receive edits and issue the new version for the next meeting. Edits were requested to be to Ben by February 1.

10. New Business - None

11. Agenda for next Meeting – Finalization of 2022 Annual Report; provision to BI City Council, and finalization of training details.

12. Next Meeting Date: Monday 20 Feb 2023 is President's Day Holiday. Peggy Nimb noted that conference room is available Monday Feb 13, 2023 at 6pm. Rafael Escandon moved to accept that date and time for next meeting, seconded by Ben Woodruff, passed unanimously.

12. Adjournment – Motion to adjourn proposed by Rosemary Hollinger, seconded by Donna Davidson and passed unanimously. Adjournment at 7:06 p.m.



Jim Cash, Chair

3/20/2023