

COBI ETHICS BOARD

Regular Meeting

Monday, March 20, 2023

6:30 PM – 7:54 PM

In-person and Via Zoom

Minutes

1. Call to Order - Meeting was called to order at 6:31 pm. Present were: Jim Cash (Chair), Rafael Escandon (Deputy Chair), Donna Davison, Rosemary Hollinger, Doña Keating, Ben Woodruff, Andrew Tsoming (legal counsel to Ethics Board), David Mallon and Peggy Nimb (City Staff).

2. Disclosures of Conflict of Interest – None.

3. Approval of the 03/20/2023 Meeting Agenda – Jim Cash called for a motion to approve the agenda; Suggestion was made to move an element of new business to the Training Subcommittee section. Doña Keating moved to approve as edited, Jim cash seconded and the motion to approve the 3/20/2023 meeting agenda passed unanimously.

4. Acceptance of two (2) sets of prior meeting minutes – Minutes of 1/23/2023 and 2/13/2023 Ethics Board meeting minutes were discussed. Edits were suggested to the 1/23/2023 and motion to approve as edited was made by Doña Keating, seconded by David Mallon and passed unanimously. Motion to approve the 2/13/2023 meeting minutes was made by David Mallon, seconded by Jim Cash and approved unanimously.

5. Review Status of Pending Complaints – Andrew Tsoming confirmed (later in the meeting) that there was no change in the status of the two (2) previously referenced complaints that were pending litigation since the prior (2/13/2023) Ethics Board meeting.

6. Public Comment – Jim Cash gave instructions to the public to please limit comments to two (2) minutes and advised that the Ethics Board members may refrain from responding. Jim also advised that, pertaining to Complaint EB 2023-01, on the agenda for discussion at tonight's meeting that only the evidence contained in the complaint and response to the complaint would be considered.

Six (6) individuals made public comments either in person or virtually. All comments pertained to Complaint EB 2023-01 and/or the process(es) for review and deliberation of ethics complaints. In addition, one (1) comment was made about the frequency of ethics training among members of city committees and/or advisory boards and one (1) comment was made with respect to completeness of redaction/anonymization of background materials accompanying ethics complaints and their public release.

7. Training Sub-Committee Report

Doña Keating and David Mallon presented that the first of 2 training sessions had been completed and that the second session was to be scheduled, which would include one or both of them attending in person or virtually, and that this second session would be recorded and therefore directed to/available to all appropriate individuals (Council Members, Committee Members, Advisory Board Members and others). The Training Sub-Committee is awaiting available times from City Council to complete the second training session and recording. In reference to creating a recorded version of the Ethics training, City Staff shared a suggestion that, rather than recording a live presentation from a City Council meeting, that Training Subcommittee members make the recording in Council Chambers independently.

David Mallon also made the recommendation that in the upcoming training that additional orientation be added to address questions/comments relating to process(es);

1. Between the Ethics Board and City Council, eg; Initiation of any changes/clarification of policies/rules
2. Determining mandatory versus recommended training and placement on the agenda of various committees to allow completion in parallel.
3. The processing of ethics complaints

David Mallon moved that other city committees and advisory boards make space on their agendas at their July or August 2023 meetings to view/complete the ethics training. Seconded by Doña Keating and passed unanimously.

8. New Business:

Item 8 (a) Ethics Complaint EB 2023-01

Andrew Tsoming (legal counsel to Ethics Board) advised on points of order, since this was the first complaint in some time, and there are new members of the board have been added since last complaint(s) were reviewed by the Ethics Board. Andrew reminded/requested that the Board, during discussions:

1. To not name individuals, rather, referring to them as complainant or respondent, etc.
2. To review the (complaint and response) materials provided, and to not engage in further fact-finding
3. Recall the categories of actions (eg; dismissal or finding/passing to hearing examiner for further adjudication) that the Ethics Board can recommend at the conclusion of deliberations

Jim Cash then opened the discussion of Complaint EB 2023-01 to the Ethics Board for discussion and comments. Several members of the Ethics Board offered comments. Doña Keating offered 2 process oriented recommendations to the Board:

1. Completeness of Redaction of complaint and response materials
2. Recommended not including correspondence between the complainant and the Ethics Board chair in the future unless those communications are material to the Ethics Board's review of the complaint.

Donna Davison moved that the Ethics Board, for future complaints, ensure a complete redaction of materials for personally identifiable information (personal ID, names/titles, address(es) etc). Rosemary Hollinger seconded. Motion passed unanimously.

Donna Davison moved that Complaint EB 2023-01 be dismissed under Article III, B., 8 (c) of the Code of Conduct and Ethics Program. Ben Woodruff seconded. Jim Cash, Rafael Escandon (Donna Davison and Ben Woodruff) voted in favor; David Mallon, Doña Keating and Rosemary Hollinger opposed. Motion carried.

Motion presented by David Mallon to approve the Sub-Committee of Ben Woodruff, Donna Davison and Rafael Escandon to draft the Letter of Dismissal for Complaint EB 2023-01 was seconded by Rosemary Hollinger and approved unanimously.

Item 8 (b): Jim Cash referenced an incomplete complaint that has been submitted. Efforts by the City clerk to have the complainant follow-up (eg; to provide referenced attachment(s)) have, as yet, not been completed.

9. New Business

1. David Mallon suggested a conversation to create a template to be used by the Ethics Board chair when corresponding with complainants (details TBD).
2. Doña Keating suggested that the Ethics Board approach City Council to re-visit the topic of annual ethics policy training, and additionally making such training mandatory for appropriate individuals.

Agenda for next Meeting –

1. Letter of Dismissal Complaint EB 2023-01
2. Recommendation to other City Committees/Boards that the Ethics Training be added to their July or August 2023 agendas.

10. Next Meeting Date: April 17, 2023

12. Adjournment – Motion to adjourn by Donna Davison, Seconded by Ben Woodruff, and passed unanimously.

Adjournment at 7:54 p.m.



Jim Cash, Chair

April 17, 2023