

MEETING TRANSCRIPT – BAINBRIDGE ISLAND CITY COUNCIL – SPECIAL MEETING – 03/24/2021

1

00:00:38.430 --> 00:00:46.980

Rasham Nassar: Okay, it is now six o'clock, so I am calling to hear this special City Council meeting, the date is Wednesday march 24.

2

00:00:49.110 --> 00:00:54.750

Rasham Nassar: We have six Council members President with us this evening councilmember pollock is unable to attend.

3

00:00:55.410 --> 00:01:03.600

Rasham Nassar: For the reasons stated during that's nice wonderful meeting his mother passed recently and so his absence is excused.

4

00:01:04.110 --> 00:01:19.920

Rasham Nassar: Tonight, with us also are all well, not all Members of the ethics board but Members of the ethics for nice to see everyone Karen Anderson ethics board member is also unable to attend this special joint meeting as well tonight.

5

00:01:23.730 --> 00:01:39.660

Rasham Nassar: We will get started with our agenda this evening with item to Council ethics board discussion item to a review of ethics board annual report and consideration of requests for counsel feedback and administrative report.

6

00:01:41.130 --> 00:01:47.160

Rasham Nassar: So I believe Tyler and Chair of the ethics Board will be leading us off.

7

00:01:48.360 --> 00:01:54.480

Tyler Weaver: Right hi i'm Tyler Weaver I think i've met most of you, at one point, but if not below.

8

00:01:57.000 --> 00:02:01.710

Tyler Weaver: So we said, our annual report to you on February 9 and i'm not going to read go through and read it.

9

00:02:02.850 --> 00:02:13.020

Tyler Weaver: You know verbatim I thought, maybe I would go through kind of the action items little bit of the history of what we've been doing, and then the action items that.

10

00:02:14.550 --> 00:02:16.830

Tyler Weaver: We identify that we want to talk about.

11

00:02:18.540 --> 00:02:23.460

Tyler Weaver: The ethics board newly reconstituted has been we've been meeting since September.

12

00:02:24.690 --> 00:02:26.850

Tyler Weaver: We have had, I think, at this point.

13

00:02:29.190 --> 00:02:35.460

Tyler Weaver: The 10 complaints that we've received as of this week we've been working on training, materials and.

14

00:02:36.690 --> 00:02:38.220

Tyler Weaver: we're looking forward to.

15

00:02:39.450 --> 00:02:41.880

Tyler Weaver: Moving forward on the training which we'll get to in a minute.

16

00:02:45.360 --> 00:02:47.910

Tyler Weaver: The number one thing we include in our report as.

17

00:02:50.190 --> 00:02:51.810

Tyler Weaver: As meeting addressing is that.

18

00:02:52.920 --> 00:03:02.670

Tyler Weaver: In the six months we've been going we have lost we've already lost two board members to resignation one was the previous chair Jennifer hodes who.

19

00:03:03.810 --> 00:03:06.900

Tyler Weaver: resigned when she decided to move off the island and.

20

00:03:08.550 --> 00:03:13.830

Tyler Weaver: domain cantwell who felt that she should resign rather than have potential conflicts.

21

00:03:15.990 --> 00:03:25.710

Tyler Weaver: I do know that we have, we have two board members coming up for term in June, at least one of those Karen Anderson has indicated that she will not seek reappointment.

22

00:03:28.200 --> 00:03:31.020

Tyler Weaver: it's my understanding that there are currently.

23

00:03:32.730 --> 00:03:34.050

Tyler Weaver: applications in.

24

00:03:36.090 --> 00:03:40.410

Tyler Weaver: That, I think, came in, I think the deadline was last week, is what I understand and.

25

00:03:42.930 --> 00:03:54.300

Tyler Weaver: I don't know what the process is, if you want the ethics board involved in reviewing we'd love to be involved in in reviewing and in talking to applicants if that's what the board would like if that's what the Council will like.

26

00:03:55.980 --> 00:03:56.310

Tyler Weaver: um.

27

00:03:57.600 --> 00:04:03.630

Tyler Weaver: I don't know if you want to take these one, at a time, or, if you want me to just go through all the items and then come back to them we're or.

28

00:04:08.310 --> 00:04:14.250

Rasham Nassar: I would leave it up to to your preference chair Weaver unless Council would like to state a preference.

29

00:04:20.250 --> 00:04:23.280

Rasham Nassar: I think you're free just to go ahead, however, you feel most comfortable.

30

00:04:23.340 --> 00:04:28.320

Tyler Weaver: Okay well frank, I think I might I think it might be easier and more efficient if we just take them one, at a time.

31

00:04:29.880 --> 00:04:33.840

Tyler Weaver: Rather than try to go back and backtrack to what what I may have said 10 minutes ago.

32

00:04:34.230 --> 00:04:41.580

Rasham Nassar: Great and i'll sorry to interrupt each other Weaver but I will be checking for raised hands from Council members and ethics board members.

33

00:04:42.600 --> 00:04:57.450

Rasham Nassar: So i'm i'm not sure if you can see those as well, your I would empower you as you're leading the Council through this part of tonight's agenda to call on Council members with raise hands i'm just not sure that you can see them.

34

00:04:58.140 --> 00:05:01.770

Tyler Weaver: I can see them in the future, for example, the Council.

35

00:05:01.890 --> 00:05:03.720

Tyler Weaver: Come deed says his hand up.

36

00:05:03.990 --> 00:05:04.320

Okay.

37

00:05:11.010 --> 00:05:12.540

Tyler Weaver: councilman deets dude go ahead.

38

00:05:13.050 --> 00:05:14.790

Joe Deets: Okay, thank you, I was waiting to be called.

39

00:05:14.820 --> 00:05:15.930

Tyler Weaver: Sorry okay we're.

40

00:05:15.960 --> 00:05:17.460

Joe Deets: Word discipline group here.

41

00:05:19.620 --> 00:05:27.480

Joe Deets: Despite my cat uh well, I think I would agree Tyler I will just be first names here that's just easier that.

42

00:05:28.470 --> 00:05:44.670

Joe Deets: let's address your immediate concerns first, because you sometimes these meetings can go on and we don't cover everything so let's cover the things most important right, so it seems to be the most important thing for the ethics board is making sure you have enough Members.

43

00:05:45.990 --> 00:05:47.550

Joe Deets: i'm fully supportive of that.

44

00:05:48.780 --> 00:06:03.210

Joe Deets: Now I would be grateful, maybe to hear from the interim city manager about the application process, because I am not intimately familiar with the process of where things are with the ethics board is I didn't know that you know have there's been.

45

00:06:04.770 --> 00:06:13.410

Joe Deets: postings issued lately for new you know for openings and, if so, I guess, maybe what i'd be getting at is if we, we have the need for new.

46

00:06:14.910 --> 00:06:31.920

Joe Deets: Positions be filled, and if we have applications that have been received, and there was a time period that ended recently then i'm not sure what we would be waiting for not to go through the the process of selecting so unless i'm misunderstanding so Ellen if you wanted to address that.

47

00:06:32.550 --> 00:06:33.660

Ellen Schroer (she/her): sure we.

48

00:06:33.690 --> 00:06:34.140

Ellen Schroer (she/her): Did.

49

00:06:34.230 --> 00:06:45.810

Ellen Schroer (she/her): advertise for two spots at the direction of the Council that application process closed last Friday at 4pm I don't know exactly how many applicants, we received in the end, but.

50

00:06:46.800 --> 00:06:57.720

Ellen Schroer (she/her): Maybe mid week last week, I think we had six so there would be the opportunity for the mayor and the Council and ethics board to decide on how that process will go forward.

51

00:06:58.230 --> 00:07:06.870

Ellen Schroer (she/her): The ethics board is also part of the general call for participation that we are issuing starting this week and next for volunteers for the.

52

00:07:07.710 --> 00:07:18.960

Ellen Schroer (she/her): terms which will end at the end of June as Tyler noted, there are a couple of Members whose terms will end at the end of June so there's sort of two parallel processes or two sequential processes happening right now for the ethics board.

53

00:07:21.360 --> 00:07:29.760

Rasham Nassar: And if I could add to that um I have been in communication with roz who's still submit to me the applications.

54

00:07:30.870 --> 00:07:31.680

Rasham Nassar: I believe.

55

00:07:33.150 --> 00:07:49.920

Rasham Nassar: Either late last Monday of this week and I responded that I would respond to her, but I wanted to check in with the Council and the board during tonight's meeting on that so i'm glad it came up and we're talking about it in terms of process the the process that was used by the Council.

56

00:07:51.360 --> 00:07:58.440

Rasham Nassar: And the mayor last year was that the mayor selected a Council member to join her and ethics board chair.

57

00:07:59.010 --> 00:08:04.950

Rasham Nassar: During the interview process, and then the three of them provided a recommendation on appointments to the Council.

58

00:08:05.580 --> 00:08:18.180

Rasham Nassar: So i'm Council can certainly deviate from that process, we can certainly talk about it i'm just raising it because that's the process that was relied upon and implemented during the last appointment process so.

59

00:08:22.650 --> 00:08:23.550

Rasham Nassar: councilmember Schneider.

60

00:08:25.410 --> 00:08:25.860

Leslie Schneider: Thank you.

61

00:08:26.940 --> 00:08:37.680

Leslie Schneider: I would want us to just think about the fact that, with six at least six applicants, this time around, we should make a decision.

62

00:08:38.160 --> 00:08:47.580

Leslie Schneider: about whether those, whether we just offer to allow those Members to reapply or whether they would be automatically I mean since there's such as a short time.

63

00:08:48.000 --> 00:08:58.170

Leslie Schneider: difference between selecting for the two that are two slots that are open now and then at least one or more than one that would be open in June.

64

00:08:59.100 --> 00:09:16.980

Leslie Schneider: That we honor a person's energy for applying and just stay out right, whether they need to apply again for the second round, or whether they could automatically be considered this would be kind of a one off because of the the timing circumstances.

65

00:09:18.690 --> 00:09:20.370

Rasham Nassar: I think that I think this the.

66

00:09:21.390 --> 00:09:26.430

Rasham Nassar: The spots, for which the city advertise these vacancies was just the two.

67

00:09:27.690 --> 00:09:35.760

Rasham Nassar: Right Is that correct interesting manager yeah so that hadn't been communicated to the applicants it's a little confusing because our website, I believe, still states.

68

00:09:36.450 --> 00:09:43.620

Rasham Nassar: Somewhere in the application that your application will be kept on file and you will be considered for future appointments, but my.

69

00:09:44.940 --> 00:09:53.580

Rasham Nassar: What I understand to be how the city answers the question whether whether applicants need to reapply and reapply it in the past and weren't appointed.

70

00:09:53.880 --> 00:10:07.320

Rasham Nassar: As at the city response that yes, a new application for the new position is a requirement for them to be considered for whatever position is being advertised and then i'm counting the applications there's definitely more than six want.

71

00:10:09.660 --> 00:10:15.510

Rasham Nassar: there's 11 applicants for that to ethics board vacancies that we've received this round.

72

00:10:18.540 --> 00:10:22.710

Ellen Schroer (she/her): And maybe I can just confirm that what the mayor is saying that we.

73

00:10:23.460 --> 00:10:35.880

Ellen Schroer (she/her): Do we did include that language in the call for participation, this time that you needed to reapply if you had applied in the past, just to be super clear, so that everyone would know that if they did want to be considered, they would need to reapply.

74

00:10:37.260 --> 00:10:41.040

Ellen Schroer (she/her): But I will check on the website to make sure that that other language isn't still there.

75

00:10:42.630 --> 00:10:43.950

Rasham Nassar: who had topless.

76

00:10:45.540 --> 00:10:56.340

Kirsten Hytopoulos: yeah I wouldn't be curious to know what the ethics board Members feel about the process that you know that they all of them just went through not that long ago to be appointed by two Council members and.

77

00:10:57.600 --> 00:11:06.420

Kirsten Hytopoulos: Then, Chair of the board, whether they had any opinion about what the makeup of this selection committee should be it's a unique Committee, I think the Council has always wrestled with that that.

78

00:11:07.020 --> 00:11:14.850

Kirsten Hytopoulos: You know, we want to have some distance from from the committee since the Committee is assessing our behavior and yet it is our committee.

79

00:11:15.510 --> 00:11:24.150

Kirsten Hytopoulos: So I just think it might be helpful to hear If anyone had any strong feelings, one way or the other about what would make sense for the you know constitution of that interview panel.

80

00:11:26.760 --> 00:11:27.090

Rasham Nassar: Do you want to.

81

00:11:28.560 --> 00:11:28.830

say.

82

00:11:30.300 --> 00:11:34.650

Tyler Weaver: We talked about this a little bit or last meeting you guys jump in if you have anything to add.

83

00:11:35.760 --> 00:11:36.030

Tyler Weaver: It.

84

00:11:39.000 --> 00:11:39.300

Tyler Weaver: It.

85

00:11:41.310 --> 00:11:49.740

Tyler Weaver: It seemed like a good process last time, I think, personally, if I was involved in either you process and I wouldn't mind being involved in i'd like to be involved.

86

00:11:51.060 --> 00:11:51.900

Tyler Weaver: The.

87

00:11:53.910 --> 00:12:02.910

Tyler Weaver: It might it might be easier to have a little bit longer interview, I remember that they were quite short I remember that they were about 10 minutes and that seemed to go by very quickly.

88

00:12:04.560 --> 00:12:09.960

Tyler Weaver: But overall, I thought the makeup of the interviews and was was good, as far as who was doing it.

89

00:12:13.590 --> 00:12:15.180

Rasham Nassar: Council member finra Johnson.

90

00:12:16.740 --> 00:12:30.060

Brenda Fantroy-Johnson: Yes, i'm i'm moving to a different topic, I guess, I wanted to find out more about the Members whose terms are ending in June and will this follow the same process of putting it out for.

91

00:12:31.350 --> 00:12:38.850

Brenda Fantroy-Johnson: You know, for everybody to apply, and do you is the process for them to reapply if they would like to stay on.

92

00:12:42.540 --> 00:12:58.770

Rasham Nassar: I think it would be i'm just yeah just the same the same process so consistent with how we advertise for these two vacancies except they would be advertising for those other terms, so those terms are are listed when the city advertises for vacancies on committees.

93

00:12:59.940 --> 00:13:04.980

Rasham Nassar: And it sounds like the city is requiring re application right for consideration.

94

00:13:05.460 --> 00:13:18.720

Rasham Nassar: And and is that is that an administrator is there some sort of administrative benefit there, I mean, I suppose, otherwise we'd have an enormous file of past applicants and we have this talk about how we would pull those or retain those.

95

00:13:19.680 --> 00:13:31.140

Ellen Schroer (she/her): And I think the reason for asking people to reapply is to indicate that they're still interested sometimes people's circumstances change and they're no longer available to serve in a role that they might have wanted in the past.

96

00:13:31.800 --> 00:13:43.380

Ellen Schroer (she/her): So we do ask people to reapply and then to councilmember fan Troy Johnson's questions, it is the case that in the past, we have asked people to reapply for a position when their term runs to its conclusion.

97

00:13:47.730 --> 00:13:48.450

Rasham Nassar: and David.

98

00:13:50.310 --> 00:13:56.040

David Mallon: yeah so that I had was going to add on my comment to the previous question around.

99

00:13:56.970 --> 00:14:03.420

David Mallon: How the process worked last time, and I was going to ask the question that you just answered which I'm glad you just answer because I'm one of the two so.

100

00:14:03.810 --> 00:14:15.660

David Mallon: there's two of us that are that would be ended up in June and Karen has already said she's not going to reapply I quite frankly haven't yet made up my mind, but I'm glad to know at least a little bit more about how the process will work.

101

00:14:17.730 --> 00:14:25.170

David Mallon: So I guess my my i'm just wondering just going to agree with, but maybe pile on a little bit with what Tyler is saying, I think the process this past time.

102

00:14:25.770 --> 00:14:31.170

David Mallon: worked well, but I do think, I think, for both sides, it would be better if we could fit in more.

103

00:14:31.680 --> 00:14:42.090

David Mallon: more of a conversation more time involved, I think we were a little bit of a special case because not only were we there's so many of us coming on at once, but this, but the.

104

00:14:42.930 --> 00:14:55.830

David Mallon: The the way the Board was supposed to operate was also changing reasonably substantially and it's some some of the basic guidance behind it, so I think I think all of us probably i'll speak for myself, rather than trying to put words in his mouth.

105

00:14:57.090 --> 00:15:04.920

David Mallon: The onboarding process was perhaps a little bit rough because it sort of felt like we were kind of having to sort of invent things or figure things out as we, as we, as we went.

106

00:15:06.330 --> 00:15:16.650

David Mallon: And I think anything that would have made it a little clearer and all of our minds as to sort of exactly what day to day might have looked like I think would have been helpful along the way.

107

00:15:25.320 --> 00:15:29.610

Rasham Nassar: Thank you for that David and that's that's really good feedback for us to hear, and so I think.

108

00:15:30.840 --> 00:15:35.310

Rasham Nassar: I want to encourage that kind of feedback during tonight's discussion because Councils really here to listen.

109

00:15:37.470 --> 00:15:45.060

Rasham Nassar: You know, we we staffed a brand new ethics board essentially and what's true now being that chair hedges did resign so.

110

00:15:45.570 --> 00:16:04.200

Rasham Nassar: We really want to hear your feedback and and ways that you think any process the communications between counsel and ethics board can be improved so i'm just want to remind everyone that this is intended to be a conversational evening and so thanks for that councilmember snyder.

111

00:16:05.490 --> 00:16:18.120

Leslie Schneider: Thank you, so I appreciate the the interest in having the the longer session, and you know, having been mayor last year I was participating in a lot of these, and I do agree, I think 15 minutes could be.

112

00:16:19.080 --> 00:16:31.770

Leslie Schneider: A beneficial amount of time, maybe, maybe a good practice would be to say that it's either 10 or 15 up to the committee that is choosing them because they're there might be a circumstance, where.

113

00:16:32.100 --> 00:16:41.040

Leslie Schneider: You just have to get through so many that you know people decide that it's better to spend 10 minutes than to have to convene a yet another night or something.

114

00:16:41.400 --> 00:16:51.390

Leslie Schneider: But I do like the 15 minutes, I think it does feel more relaxed and and I would certainly support that on the question of the onboarding that.

115

00:16:52.020 --> 00:17:01.230

Leslie Schneider: kind of rose bubbled up for me as well last year that there wasn't much of an onboarding process, and so I worked with.

116

00:17:02.040 --> 00:17:14.640

Leslie Schneider: The Deputy Mayor and the city manager, to send out an email welcoming my my memory my my memory might be a little fuzzy on this so.

117

00:17:15.120 --> 00:17:31.920

Leslie Schneider: Excuse me if i'm misremembering but really sending out an email to the chairs of the committee's and suggesting that they offer a one on one conversation to the incoming new Members to make sure that that incoming Member.

118

00:17:33.360 --> 00:17:44.580

Leslie Schneider: Had a bit of guidance and you know we've got I recommended that the Chair could delegate that meeting it doesn't have to be the Chair that would do that mentoring, or that one on one meeting and.

119

00:17:45.210 --> 00:17:55.800

Leslie Schneider: And then there were some other documents that I provided at that time, like the role of the liaison or something I don't remember exactly what it is, so I think we can up our game on that onboarding.

120

00:17:56.670 --> 00:18:02.820

Leslie Schneider: But I just wanted to mention that that was something that we started to pay attention to last year.

121

00:18:04.440 --> 00:18:04.860

Leslie Schneider: Thank you.

122

00:18:06.270 --> 00:18:16.020

Rasham Nassar: and real quick interim city manager, do you know if that little note about i'm not promising interviews for all applicants went out with the ethics board applications.

123

00:18:17.190 --> 00:18:21.090

Ellen Schroer (she/her): And yes, it was on the application and also in the advertisement.

124

00:18:21.780 --> 00:18:36.840

Rasham Nassar: Okay, so just want everyone to keep that in mind if we're talking about upping the interview time from 10 to 15 which I completely support that we wouldn't be obligated interview all all 11 there'd be a preliminary meeting between the committee of myself chair whomever.

125

00:18:38.640 --> 00:18:46.080

Rasham Nassar: to review the applications first and then offer interviews to those that were selected out of that review process Deputy Mayor had topless.

126

00:18:46.860 --> 00:18:53.040

Kirsten Hytopoulos: yeah I was going to speak to that, for one thing, which is a good thing to point out one of the reasons for making them tiny was there seemed to become.

127

00:18:53.790 --> 00:19:03.060

Kirsten Hytopoulos: A theme or a practice of interviewing absolutely everybody so sounds like we are getting moving back away from that which will help us focus on interviews with people who have preliminary.

128

00:19:03.870 --> 00:19:07.620

Kirsten Hytopoulos: backgrounds, that makes sense and so forth, but I just wanted to point out too that when we.

129

00:19:07.860 --> 00:19:16.200

Kirsten Hytopoulos: Even though we technically had Jennifer hodes leftover from the last board I don't think she'd ever actually attended a meeting at at the point that it had dissolved and so.

130

00:19:16.470 --> 00:19:25.170

Kirsten Hytopoulos: it'll be a whole new world now, I think, with you all, and with Tyler participating he'll be able to actually give some on the ground experience, whereas we were completely.

131

00:19:25.680 --> 00:19:32.340

Kirsten Hytopoulos: deficient in that I believe when them when you would have come through David and everybody else So hopefully it will necessarily look a lot better this time.

132

00:19:35.370 --> 00:19:36.270

Rasham Nassar: councilmember car.

133

00:19:37.830 --> 00:19:51.570

Christy Carr: yeah thanks I agree with both the process or the composition, the mayor a second Council person and the board chair for a 15 minute interview of applicants who have been preliminary screen by those that group.

134

00:19:53.820 --> 00:19:55.140

Christy Carr: So at this point.

135

00:19:57.120 --> 00:20:05.280

Christy Carr: I think we've nailed it so unless we just need to select among ourselves for that second Council person to join the mayor and the board chair.

136

00:20:07.080 --> 00:20:16.980

Christy Carr: we've got a lot of other topics for tonight's discussion and I will not be volunteering for that, but I encourage my colleagues to jump in.

137

00:20:24.450 --> 00:20:29.100

Rasham Nassar: Council member the deets councilmember kills Mercedes yeah.

138

00:20:29.520 --> 00:20:46.830

Joe Deets: Well i'm happy to participate if someone else's dying to do it, I came from the ethics board if you will, before I came on Council so i've always felt have an affinity for the group so i'd be happy to take part, unless a colleague is just raring to go.

139

00:20:48.900 --> 00:20:53.490

Rasham Nassar: thanks for the offer Council member counselor better chance Johnson your hand is raised.

140

00:20:53.940 --> 00:20:55.620

Brenda Fantroy-Johnson: yeah i'd like to volunteer oh so.

141

00:21:00.270 --> 00:21:03.210

Rasham Nassar: Okay, so we have to counsel volunteers councilmember deeds.

142

00:21:04.020 --> 00:21:05.190

Joe Deets: Well, if if.

143

00:21:06.420 --> 00:21:13.980

Joe Deets: Brenda outsourcing will be on a first name basis tonight if Brenda wants to do it that's fine i'm I don't have to do it.

144

00:21:15.960 --> 00:21:33.120

Rasham Nassar: Okay, thank you for that councilmember deeds, and thank you councilmember pantry Johnson, so it sounds like we myself councilmember Sandra Johnson and Chair Weaver or is that all the membership of the ethics board that will be attending to enter user or you co chair and David.

145

00:21:34.140 --> 00:21:35.700

Rasham Nassar: not sure how how your structured.

146

00:21:37.680 --> 00:21:38.970

Tyler Weaver: record currently have one chair.

147

00:21:39.150 --> 00:21:40.380

Tyler Weaver: David the teacher.

148

00:21:41.250 --> 00:21:45.660

Rasham Nassar: Okay um I would leave it between you to decide.

149

00:21:47.220 --> 00:21:51.480

Rasham Nassar: Whether you Tyler you want to only attend or David you want to join.

150

00:21:54.480 --> 00:21:55.500

David Mallon: I might suggest.

151

00:21:56.520 --> 00:22:01.380

David Mallon: If we're going to maybe it depends on how many of those 11 we choose to do.

152

00:22:02.490 --> 00:22:04.380

David Mallon: The extra help but i'll leave it at that.

153

00:22:05.670 --> 00:22:20.430

Rasham Nassar: Okay, so you will look out for an email from me and i'll include you on that, first, email chain David now i'll just be to set up a preliminary meeting for the four of us if you'd like to.

154

00:22:21.780 --> 00:22:33.420

Rasham Nassar: pull together in a room and review the applications and then the interviews will be scheduled after we select the inner who will be interviewed out of those applications from that date um I will get on that.

155

00:22:35.670 --> 00:22:37.290

Rasham Nassar: I think we're done having that discussion.

156

00:22:37.830 --> 00:22:40.170

Rasham Nassar: So Tyler, if I may add it back to you.

157

00:22:40.530 --> 00:22:45.840

Tyler Weaver: Okay, so this kind of goes back to a point that you raised before mayor, and that is.

158

00:22:48.360 --> 00:22:53.130

Tyler Weaver: How we deal with communications between the Board and the Council going forward.

159

00:22:55.080 --> 00:23:00.270

Tyler Weaver: There were a couple times earlier this year, where I think it would have helped to have had some sort of avenue of communication.

160

00:23:01.470 --> 00:23:06.330

Tyler Weaver: Because for a while we were uncertain about whether our operating rules had been a minute or not.

161

00:23:08.370 --> 00:23:10.440

Tyler Weaver: I think it's clear now that they haven't but.

162

00:23:11.550 --> 00:23:21.660

Tyler Weaver: It and there may be questions that the Council periodically has ethics board, and despite the need to you know, keep us at arm's length just because of.

163

00:23:22.950 --> 00:23:24.840

Tyler Weaver: The unique relationship that we have.

164

00:23:26.580 --> 00:23:31.710

Tyler Weaver: I think it would help to have in the rest of the board as well, feels that they would help to have.

165

00:23:34.470 --> 00:23:46.890

Tyler Weaver: Somebody designated by the Council that the ethics board can talk to about issues and basic you know, not a regular everyday open avenue of communication, but something.

166

00:23:48.150 --> 00:23:52.980

Tyler Weaver: You know, to talk about amendments or questions that the Council may have for us.

167

00:23:58.650 --> 00:23:59.730

Rasham Nassar: Deputy Mayor hi topless.

168

00:24:02.580 --> 00:24:12.270

Kirsten Hytopoulos: Well, I guess, my question would be for city attorney as to whether or not the deputy attorney can perform that role as the conduit and and, of course, then asking.

169

00:24:13.530 --> 00:24:27.900

Kirsten Hytopoulos: Tyler and everyone else If that sounds insufficient, but if you know well formulated questions of we'd like this we'd like an answer on this policy or we'd like to request this, or is there a reason that the deputy city attorney can't be that conduit.

170

00:24:29.070 --> 00:24:32.970

Kirsten Hytopoulos: And then, I guess, through you, or through the city manager.

171

00:24:34.650 --> 00:24:35.220

Rasham Nassar: city attorney.

172

00:24:36.390 --> 00:24:41.340

Joe Levan: We could do that unless you want to have a Council member is the kind of it.

173

00:24:42.570 --> 00:24:44.310

Joe Levan: But you know we can certainly do that.

174

00:24:47.550 --> 00:24:49.020

Rasham Nassar: Who do you want to respond to that.

175

00:24:51.390 --> 00:25:07.230

Kirsten Hytopoulos: I would just say I just I think it is, it is odd, for us to have any of us be like a liaison or anything like that it just I unless unless it's unless the board feels that that again that wouldn't be sufficient for some reason it would give us this sort of distance through which that.

176

00:25:08.820 --> 00:25:22.620

Kirsten Hytopoulos: You know the information would travel and then we, I guess, the point is, we would all receive it, so if you have a question, if you have a proposed change, then all of us would receive it together and would handle it together and that feels like the most equitable and transparent.

177

00:25:23.160 --> 00:25:31.680

Joe Levan: So, then, the city attorney's office and coordinate with the city manager, to provide that then they are Deputy Mayor related to upcoming agendas kind of thing right.

178

00:25:33.510 --> 00:25:34.440

Rasham Nassar: A Council member snyder.

179

00:25:36.120 --> 00:25:36.630

Leslie Schneider: Thank you.

180

00:25:37.890 --> 00:25:45.330

Leslie Schneider: I think that sounds good, I was going to suggest that it could go through the the mayor and the deputy so if the mayor and the deputy.

181

00:25:46.380 --> 00:25:56.670

Leslie Schneider: Together received communication, but, but I do like the idea of the have a bit more separation so maybe the deputy in the mayor could be the backup to whatever.

182

00:25:57.780 --> 00:26:02.640

Leslie Schneider: If there were any issues with communication that went beyond.

183

00:26:04.500 --> 00:26:08.610

Leslie Schneider: I mean, I think that that's kind of the way things are set up now is that the the.

184

00:26:09.900 --> 00:26:11.010

Leslie Schneider: it's a fallback.

185

00:26:12.030 --> 00:26:16.410

Leslie Schneider: So I would agree with councilmember high topless on this and.

186

00:26:18.840 --> 00:26:29.670

Leslie Schneider: And just say you know if if all else fails, you can still reach out to the deputy, in the end the mayor that's just my opinion, but I support what was stated.

187

00:26:32.370 --> 00:26:32.940

Rasham Nassar: David.

188

00:26:34.530 --> 00:26:44.940

David Mallon: Thank you, I certainly appreciate the want or the need to kind of keep some distance that that makes sense to me, I think, just maybe this is more of a question, I suppose, in a statement.

189

00:26:46.470 --> 00:27:03.540

David Mallon: I do as you if you saw if you saw the report, I mean it was originally sort of our group consensus that there, it would be useful for their still to be some kind of way for me, the chair of the Board and the mayor to at least be able to you know formally communicate.

190

00:27:04.920 --> 00:27:15.510

David Mallon: And I still sort of feel like there might need to be something like that I understood, I think the deputy city attorney makes sense for kind of like day to day back and forth, but the one thing that I think, maybe.

191

00:27:15.990 --> 00:27:27.120

David Mallon: is raising a little bit of an of a concern for me is that the deputy city attorney also has a role to play, of advising us as a board, we can pull that we can use that person to.

192

00:27:28.050 --> 00:27:36.330

David Mallon: To you know, to give us advice on sort of what's in front of us and and even, as I understand it, and by all means anyone else jump in and make sure i'm.

193

00:27:36.900 --> 00:27:45.690

David Mallon: That i'm speaking correctly here, but like we could even pull that person into executive session for our in our advising us on sort of what's in front of us.

194

00:27:46.320 --> 00:27:55.680

David Mallon: And in that regard, does that we do want that person to play, both those roles, where they are kind of our advisor and they're the Community, there are primary communication vehicle to you.

195

00:27:56.760 --> 00:27:59.490

David Mallon: that's, the only thing that I think that might concern me about that.

196

00:28:01.530 --> 00:28:02.460

Rasham Nassar: councilmember deeds.

197

00:28:03.570 --> 00:28:15.540

Joe Deets: Thank you, Mary well i'm going to go back to when I was on ethics board, we had the city attorney attend the meetings, as well as the Council liaison and that worked fine.

198

00:28:16.560 --> 00:28:30.540

Joe Deets: I like the idea of communication, I guess, if we're talking about our issues my number one issue is and i'll be candid I don't know what you guys are doing, I mean I don't know what's on your agenda, I don't know your your meetings are videotaped.

199

00:28:32.580 --> 00:28:46.890

Joe Deets: it's I have to make a special asked to get copies of what your work is, and I find that very, very frustrating and I don't like it, so I think communication is a huge issue, in my view, not that i'm trying to snoop I just want to know what you're doing, I mean.

200

00:28:47.970 --> 00:29:03.510

Joe Deets: So I would be supportive of the deputy city attorney and say joint mayor and Deputy Mayor together, since you know we've designated us Council those two individuals to kind of represent us in some fashion.

201

00:29:04.860 --> 00:29:12.810

Joe Deets: In in in a communication capacity more communication rather than less let's not restrict the communication.

202

00:29:14.250 --> 00:29:18.450

Joe Deets: So that's my suggestion is is have some flexibility have have it more open.

203

00:29:19.650 --> 00:29:20.970

Joe Deets: So that's my two cents.

204

00:29:23.430 --> 00:29:24.120

Rasham Nassar: city attorney.

205

00:29:24.900 --> 00:29:32.490

Joe Levan: it'd be helpful to know to Tyler and otherwise from the ethics board the communications you're talking about are they are we talking about kind of.

206

00:29:32.970 --> 00:29:43.020

Joe Levan: suggestions for clarification related to what the program means or potential improvements to the program those kind of communications are we talking about some other kind of communications.

207

00:29:45.870 --> 00:29:46.470

Rasham Nassar: chair Weaver.

208

00:29:50.460 --> 00:29:54.480

Tyler Weaver: yeah those are the sorts of communications I think we're envisioning plus.

209

00:29:55.890 --> 00:29:59.340

Tyler Weaver: Frankly, if there's amendments to the operating rules or the ethics rules.

210

00:30:00.660 --> 00:30:03.990

Tyler Weaver: being considered, or possibly past, it would help for us to know that.

211

00:30:06.150 --> 00:30:15.720

Tyler Weaver: As more sort, by the way, councilmember deeds we're certainly not trying to hide anything we're doing one of the recommendations we have later, is that we, you know take our meetings partially for that.

212

00:30:17.640 --> 00:30:27.450

Tyler Weaver: You know, so that people could go back and see what we actually did uh but yeah Those are two the answer the question the city attorney ask those are the sorts of communications we're talking about.

213

00:30:30.630 --> 00:30:31.920

Rasham Nassar: councilmember foundry Johnson.

214

00:30:32.670 --> 00:30:39.120

Brenda Fantroy-Johnson: So it sounded like to me that we're talking about two different kinds of communications, though, it sounds like you, you know.

215

00:30:39.540 --> 00:30:57.120

Brenda Fantroy-Johnson: want to be able to have the day to day policy whatever kind of communications, but what Joe described is more of a what are you doing and letting us know it kind of deal So are we looking at two different kinds of roles, or can that be combined into one row.

216

00:31:01.500 --> 00:31:03.300

Rasham Nassar: I did you want to respond to that.

217

00:31:05.190 --> 00:31:16.230

Joe Levan: I think it can be combined into one, I think we can dig it was working fine when Robbie was involved, previously, and we can things there's been kind of a transition and we can.

218

00:31:16.710 --> 00:31:23.880

Joe Levan: We can work with you have explored and and the Council members to have that line of communication that occurs based on whatever that.

219

00:31:24.240 --> 00:31:33.510

Joe Levan: If it's about changes the program or suggestions of the program or if the Council is thinking about taking some action related operating rules that can be communicated to the board.

220

00:31:35.220 --> 00:31:35.430

I.

221

00:31:36.720 --> 00:31:42.120

Rasham Nassar: If I may, that that has worked well in the past and remember when Robbie was deputy city attorney.

222

00:31:42.390 --> 00:31:45.150

Rasham Nassar: He was really good at sending out.

223

00:31:46.230 --> 00:31:57.480

Rasham Nassar: You know emails to the full Council alerting us as to what the Board was discussing and what recommendations might be coming when we were discussing the revisions, especially across 2019 that's kind of how that process worked.

224

00:31:59.130 --> 00:32:03.960

Rasham Nassar: I think, though, back to Council member deeds is point and I and it's something i'm going to pick up from the Deputy Mayor.

225

00:32:04.530 --> 00:32:14.070

Rasham Nassar: That there's nothing preventing the Chair from the ethics board from circulating information to the Council on the record, so, for example, if it's the case that that Council would prefer would like to be.

226

00:32:15.090 --> 00:32:20.190

Rasham Nassar: Aware of the work of the ethics board similar to how we're more involved with our other committees.

227

00:32:20.970 --> 00:32:30.900

Rasham Nassar: You might want to know suggestion would be just to circulate your agenda or or a meeting report, or you know doesn't maybe not after every monthly meeting, but every other month they meeting.

228

00:32:31.500 --> 00:32:38.130

Rasham Nassar: Just a hey here's what we've been doing and we're just kind of sharing this information, like informational purposes only kind of an email.

229

00:32:38.370 --> 00:32:46.500

Rasham Nassar: But the Of course there the expectation would not be that you get a response and anytime a response would be needed that communication, I agree with Deputy Mayor should really be.

230

00:32:47.400 --> 00:32:53.280

Rasham Nassar: facilitated through the deputy city attorney and that was actually a very specific and intentional change at the Council made in 2019.

231

00:32:53.610 --> 00:33:07.980

Rasham Nassar: We debated the removal of the Council liaison and the Council decided for a lot of reasons that we, we thought it would be a better process to employ the deputy city attorney to act as the facilitator between the Board and the Council.

232

00:33:12.540 --> 00:33:13.410

Rasham Nassar: Go ahead share Weaver.

233

00:33:14.340 --> 00:33:21.660

Tyler Weaver: yeah I think we would be happy to provide you with whatever updates, you would like, on what we're doing or what complaints we have before us.

234

00:33:23.310 --> 00:33:27.180

Tyler Weaver: Certainly if any of you individually, are subject to a complaint, you know it, but.

235

00:33:28.560 --> 00:33:36.030

Tyler Weaver: yeah yeah I mean absolutely we could you know you just tell us what you what you need if it's a monthly or bimonthly report we can definitely do that.

236

00:33:38.310 --> 00:33:38.910

Rasham Nassar: Deputy Mayor.

237

00:33:42.240 --> 00:33:51.330

Kirsten Hytopoulos: yeah two things one, I just wanted to provide reassurance on behalf of the Council i'm sure that this would be a unanimous opinion that we would we would never take.

238

00:33:52.230 --> 00:33:58.440

Kirsten Hytopoulos: Action on the program without consulting you, it would be very foolish for us to do that, so do not worry about that.

239

00:33:58.770 --> 00:34:04.890

Kirsten Hytopoulos: And my point of view it's not just the operating rules, I mean the program itself, I cannot imagine the Council proceeding with some sort of.

240

00:34:05.220 --> 00:34:12.720

Kirsten Hytopoulos: change without without not informing you but consulting you, I would say that with regards to that last the last question of whether we.

241

00:34:12.990 --> 00:34:22.920

Kirsten Hytopoulos: Actually circulate whether whether the board actually circulates or the Clerk circulates like pending complaints, for example, I would want to take that up as a separate conversation.

242

00:34:23.490 --> 00:34:26.280

Kirsten Hytopoulos: Because we've been trying to walk this line through the Program.

243

00:34:26.700 --> 00:34:35.010

Kirsten Hytopoulos: Not very successful in my opinion, but you know, try to keep as much anonymity as possible, up to the point where there's something to be produced and so.

244

00:34:35.310 --> 00:34:46.860

Kirsten Hytopoulos: Making a practice of starting to send out all of the complaints that i'm not been substantiated yet i'd have a different opinion about that than I would about, for example, your agenda or just a summary of work that's going on.

245

00:34:49.170 --> 00:34:50.010

Rasham Nassar: Council member needs deets.

246

00:34:50.370 --> 00:34:59.640

Joe Deets: yeah Thank you yeah I would it would be nice is maybe just again not we're not trying to metal but just to try and understand what the work you're doing one would be.

247

00:35:00.330 --> 00:35:10.560

Joe Deets: What is on your agenda, but also what are your findings because let's remember folks that the purpose of the ethics board is not to punish but to educate.

248

00:35:10.950 --> 00:35:20.160

Joe Deets: So if you guys make a ruling on a particular issue i'd like to see it because, maybe it's relevant for me to understand, but if, but if it's squirreled away somewhere.

249

00:35:20.490 --> 00:35:32.760

Joe Deets: you've got all that effort and again we're trying to educate not just Council members but everybody if you're trying to educate, but I can't find where that references, then the purpose, the objective is lost here so.

250

00:35:33.900 --> 00:35:42.360

Joe Deets: Again it's i'd like to see the findings so because made the relevant to my own understanding of being a Council member and as well as the public so.

251

00:35:43.830 --> 00:35:48.720

Joe Deets: That would be just getting back to what is the purpose, not to punish but to educate.

252

00:35:50.490 --> 00:35:51.090

Rasham Nassar: Here Weaver.

253

00:35:52.290 --> 00:35:52.860

Tyler Weaver: yeah.

254

00:35:56.130 --> 00:35:59.970

Tyler Weaver: we've been trying and we'll get more of this later we've been trying to.

255

00:36:01.260 --> 00:36:05.130

Tyler Weaver: Follow the letter of what is in the program and.

256

00:36:06.960 --> 00:36:20.640

Tyler Weaver: Generally, as I understand it, or opinions on Article to in order I don't go one complaints are not posted anywhere advisory opinions bar, we can certainly send them to you one one thing that we have instituted is.

257

00:36:21.990 --> 00:36:28.020

Tyler Weaver: The Board doesn't eat other than the chair the board does not look at the complaints until we have a response so.

258

00:36:29.550 --> 00:36:33.000

Tyler Weaver: I mean it might make sense to for.

259

00:36:34.620 --> 00:36:41.040

Tyler Weaver: us to not send you anything until we do have a final determination, but you can certainly see on the agenda, what we're going to be covering at the meetings.

260

00:36:43.680 --> 00:36:44.640

Tyler Weaver: That might be the.

261

00:36:45.990 --> 00:36:52.110

Tyler Weaver: best thing that we could do without you know, giving you too much information too early, would be.

262

00:36:53.250 --> 00:36:59.010

Tyler Weaver: You know, make sure you make sure that you have a copy of our agendas when they go out and then also work Kenyans when they do go out.

263

00:37:01.560 --> 00:37:02.550

Rasham Nassar: Council member car.

264

00:37:04.020 --> 00:37:11.340

Christy Carr: Thanks yeah I would agree with Deputy Mayor had top list that the question of whether or not complaints get sent out when received are.

265

00:37:12.180 --> 00:37:20.190

Christy Carr: distributed to the full Council as a separate discussion, and I think that councilmember deets has some proposed motions in our next agenda item to that effect.

266

00:37:21.570 --> 00:37:23.280

Christy Carr: So maybe we put a pin in that.

267

00:37:24.360 --> 00:37:36.930

Christy Carr: But I emailed the deputy or the interim city manager asking about the process for what appears on the ethics program website and when and.

268

00:37:37.380 --> 00:37:47.340

Christy Carr: she gave me a very thorough response but i'm not remembering it right now, so it might be helpful if she repeated that response and then differentiated between.

269

00:37:47.940 --> 00:37:55.800

Christy Carr: What if that's an administrative process or if that's actually what's in the program itself in terms of what goes on the website when.

270

00:37:57.720 --> 00:38:07.800

Ellen Schroer (she/her): You call ask for just a minute grace to pull that response up so that I make sure I get it right, because it is pretty specific and I don't want to provide incorrect information so just give me a minute, and all the reading.

271

00:38:08.190 --> 00:38:15.180

Joe Levan: and very likely it's from the program itself because it's Deputy Mayor has hop was indicated that was one of the big changes, the last time around, was to.

272

00:38:15.900 --> 00:38:26.580

Joe Levan: To think about how best to to make public information related to compliance and so that was a significant change to the program so that's part of what.

273

00:38:27.660 --> 00:38:31.620

Joe Levan: What i'm sure that Ellen is going to find it relates to what was provided for in the Program.

274

00:38:35.220 --> 00:38:37.260

Rasham Nassar: Do you need another moment in right.

275

00:38:37.410 --> 00:38:44.280

Ellen Schroer (she/her): yeah I will enjoy me just know the answer to the question, so if you want to continue on i'll look for my email but um.

276

00:38:44.940 --> 00:38:52.350

Joe Levan: But that's what what Tyler said in those on the ethics board, because you all been involved in this, that there are specific provisions about.

277

00:38:52.920 --> 00:39:06.480

Joe Levan: The extent to which certain information gets shared publicly at what point of the process it's very specific in the program that's, the Council adopted it that way you could certainly revisit that but, but it is, it is prescribed in the program itself.

278

00:39:09.120 --> 00:39:10.320

Rasham Nassar: w America topless.

279

00:39:12.990 --> 00:39:18.090

Kirsten Hytopoulos: i'm happy to let councilmember fun trade Johnson go before me, since i've spoken a couple times and she'd like to.

280

00:39:19.380 --> 00:39:26.730

Brenda Fantroy-Johnson: yeah, I just wanted to say that it's um you know you mentioned early on, about the onboarding and what what happens on the day to day level.

281

00:39:27.180 --> 00:39:36.090

Brenda Fantroy-Johnson: And I just wanted to say that you know my interest is purely educational just so I know what happens on this committee, you know i'm not trying to.

282

00:39:36.780 --> 00:39:54.060

Brenda Fantroy-Johnson: give any information before it needs to be given to me so if we you know follow the process that's that's fine if it's already in the program of how that's supposed to be done it's just that sense it was a kind of a rocky onboarding for me to.

283

00:39:55.230 --> 00:40:08.040

Brenda Fantroy-Johnson: Coming on Council and, at the time Mer Mer Snyder did send me that same email, but it did not in any way prepare me for the day today of what happens on Council so.

284

00:40:08.490 --> 00:40:22.170

Brenda Fantroy-Johnson: You know, it might just be a way to tweak your onboarding to try to look at some of the information that can be released and that will speak to what happens on the day to day level for the episodes or.

285

00:40:25.200 --> 00:40:25.830

Rasham Nassar: Deputy Mayor.

286

00:40:26.820 --> 00:40:30.150

Kirsten Hytopoulos: yeah, I just wanted to kind of can to what councilmember car said a moment ago about.

287

00:40:30.750 --> 00:40:37.650

Kirsten Hytopoulos: Maybe we take this larger question this few larger questions here and moving further into the meeting, and so we can progress through the.

288

00:40:38.400 --> 00:40:47.040

Kirsten Hytopoulos: Through the Boards requests and proposals I definitely could pick this up and end up number of ways later assuming we get through these requests so that's just a thought.

289

00:40:50.850 --> 00:40:52.770

Rasham Nassar: Go ahead interest a manager okay.

290

00:40:52.800 --> 00:40:59.220

Ellen Schroer (she/her): Thanks, so the information that I provided to Christie was um, so there are.

291

00:40:59.550 --> 00:41:12.360

Ellen Schroer (she/her): postings that are done differently, for the two different kinds of complaints for Article one complaints if the ethics board recommends that an advisory opinion be issued, it will be published, once the review process is complete.

292

00:41:12.960 --> 00:41:20.220

Ellen Schroer (she/her): So if the ethics board does not recommend that an advisory opinion be issued, it is not published.

293

00:41:21.120 --> 00:41:26.880

Ellen Schroer (she/her): For Article two complaints if the complaint was referred to the hearing examiner the hearing examiners finding of.

294

00:41:27.120 --> 00:41:39.660

Ellen Schroer (she/her): findings of fact and conclusions of law, along with any sanctions imposed by the Council will be published, once the review process is complete and under the current program complaints are not posted when they received.

295

00:41:40.950 --> 00:41:42.510

Ellen Schroer (she/her): Their posted after they're considered.

296

00:41:43.950 --> 00:41:44.610

Ellen Schroer (she/her): Is that helpful.

297

00:41:46.740 --> 00:41:48.030

Rasham Nassar: I think so okay.

298

00:41:50.160 --> 00:41:51.000

Rasham Nassar: I say attorney.

299

00:41:52.470 --> 00:41:59.730

Joe Levan: We also there's a former deputy city attorney put together a secret just provides this to me again as a reminder.

300

00:42:01.620 --> 00:42:14.190

Joe Levan: A table that describes what's published when and so that's we can provide that to everyone so you can see that it's very helpful lays out which which provision of the ethics program provides for for what publication.

301

00:42:15.390 --> 00:42:23.490

Joe Levan: The extent of the publication, the ones that are published on the city website there's just a few of them so Article one advisory opinions.

302

00:42:25.560 --> 00:42:30.570

Joe Levan: Hearing examiner find his conclusions of law when the Council has determine if sanctions will be imposed.

303

00:42:31.890 --> 00:42:33.300

Joe Levan: sanctions if imposed.

304

00:42:36.630 --> 00:42:47.190

Joe Levan: advisory opinion not Article one that's also published and then waiver requests, so that can provide that to you also that it's a really good summary of what those requirements are.

305

00:42:50.100 --> 00:42:50.490

Okay.

306

00:42:51.720 --> 00:43:00.180

Rasham Nassar: And it sounds like we're in is it okay now just move on we'll take this up during the next portion of our agenda.

307

00:43:00.570 --> 00:43:01.260

Rasham Nassar: I want to.

308

00:43:01.470 --> 00:43:05.130

Rasham Nassar: turn it back to chair Weaver for you to walk us through the rest of the board's recommendations.

309

00:43:05.520 --> 00:43:09.450

Tyler Weaver: Okay, so this is a narrow necessarily recommendation, but it's something we.

310

00:43:10.530 --> 00:43:14.430

Tyler Weaver: came up in our first few complaints we actually had a number of complaints with.

311

00:43:16.080 --> 00:43:19.470

Tyler Weaver: Difficult issues under the code and we want to make sure you're aware of them.

312

00:43:22.800 --> 00:43:40.860

Tyler Weaver: I think I think some of them are addressed, maybe by emotions later, but there are we received, for example, a complaint on behalf of an unnamed person who had hired an attorney and the Attorney was named and we ultimately concluded that, under the program as written.

313

00:43:43.020 --> 00:43:48.120

Tyler Weaver: We had to consider that it wasn't clear that we couldn't consider that or shouldn't consider it.

314

00:43:49.170 --> 00:43:49.830

Tyler Weaver: i'm.

315

00:43:52.050 --> 00:44:04.290

Tyler Weaver: A couple other similar issues were complaints against departing Council members we've received, I believe, three different complaints, it may have even been for i'm not sure before.

316

00:44:05.910 --> 00:44:21.090

Tyler Weaver: cold Medina departed and those were not resolved until after he was he had left but we've received them before and we determine that we had to consider those as well, even though he was gone by the time our determinations were filed.

317

00:44:22.320 --> 00:44:27.210

Tyler Weaver: And the other thing is, is whether or not the one we want to put some sort of time limit.

318

00:44:28.950 --> 00:44:42.150

Tyler Weaver: On when a complaint should be filed, one of the complaints we had had been I believe the allegation delegation is concerned, something that happened two and a half years prior and.

319

00:44:43.860 --> 00:44:48.450

Tyler Weaver: Then again, we considered it because there didn't seem to be anything in the program to indicate that we should not or could not.

320

00:44:50.460 --> 00:45:05.790

Tyler Weaver: And so, where are those are not really recommendations, those are more making sure that you're aware of those issues in case you choose in case you choose to address them it to the extent that comes up in the future if there's no amendment we plan to just do what we have done before.

321

00:45:07.350 --> 00:45:08.670

Tyler Weaver: and address those accordingly.

322

00:45:10.410 --> 00:45:17.040

Tyler Weaver: I don't know if anybody has any comments or questions about it looks like David has a comment go ahead, David.

323

00:45:18.150 --> 00:45:26.970

David Mallon: yeah I was just you had you had done a good job of summarizing them all, there was one that that in this list that you didn't summarize, and I do want to make sure it gets called out, and that is.

324

00:45:28.740 --> 00:45:39.360

David Mallon: That is the the city that the publishing of emails and just sort of the communication process from the public and the board that's also caused us some point of confusion.

325

00:45:41.490 --> 00:45:52.800

David Mallon: we've had a few instances over the last few months, where the public has emailed us directly and you know next thing you know all of our inbox is are filled with commentary on a particular complaint.

326

00:45:54.570 --> 00:45:59.790

David Mallon: But we can't really do anything with that we can't respond to it, and the way the way that the.

327

00:46:00.540 --> 00:46:12.450

David Mallon: The way that the program is written, we are actually one thing that is very clear is that we are not to investigate we're not to essentially other than to seek clarification from.

328

00:46:12.810 --> 00:46:30.030

David Mallon: Either the complaining or the respondent we're not to go out looking for additional information, so it creates this very unequal one sided way of influencing the process where the public can can can reach out to us, but we can't reach out to the public.

329

00:46:32.250 --> 00:46:39.510

David Mallon: What what we would like is just some clarification on on how better to manage that and our suggestion is.

330

00:46:39.960 --> 00:46:50.130

David Mallon: To just to only list the chairs email address on the public website so, which is, I think, actually actually how things have played out at the moment, but to confirm that.

331

00:46:50.610 --> 00:47:04.200

David Mallon: And to in and basically say to the public in general, if the public wants to comment on what we're doing or on a particular complaint that that's the that's the purpose of the public comment portion of our meetings.

332

00:47:05.280 --> 00:47:14.370

David Mallon: versus you know, opening up sort of you know, a sort of an unequal kind of floodgates in terms of how the public sends us things along the way.

333

00:47:15.570 --> 00:47:26.040

David Mallon: or two, so in this context, or if the Council has other ideas about how to better manage that we're by no means open to other other suggestions.

334

00:47:27.810 --> 00:47:29.790

Rasham Nassar: Also number fat Mr Johnson.

335

00:47:30.360 --> 00:47:36.390

Brenda Fantroy-Johnson: I would like, for the Members to go first the chair and then I see the need is there, so.

336

00:47:37.680 --> 00:47:38.190

To speak.

337

00:47:43.200 --> 00:47:44.370

Tyler Weaver: yeah I was.

338

00:47:45.780 --> 00:47:47.370

Tyler Weaver: I was getting to that David, but I.

339

00:47:48.930 --> 00:47:54.150

Tyler Weaver: I think I think right now, I think, right now, we actually don't I don't think even my emails on the website.

340

00:47:56.160 --> 00:47:57.630

Tyler Weaver: And and.

341

00:47:59.490 --> 00:48:00.540

Tyler Weaver: That that's fine.

342

00:48:01.680 --> 00:48:06.270

Tyler Weaver: We do take public comment from people at the meetings like David said we.

343

00:48:07.560 --> 00:48:18.210

Tyler Weaver: We follow the program as closely as we can, the program is pretty clear that we're limited in what information, we can take in, and so we don't perform any investigations or discussions with the public.

344

00:48:22.920 --> 00:48:26.700

Rasham Nassar: I apologize if I mispronounced your name, so please correct me, is it tanya.

345

00:48:27.720 --> 00:48:36.510

Dona Keating: that's very good it's don't ever the longer Okay, thank you, I would concur with both of them said I don't think there any circumstances under which we should be written by.

346

00:48:36.990 --> 00:48:41.640

Dona Keating: The public or anyone else unless it's related to a complaint and then there's an avenue for that.

347

00:48:42.360 --> 00:48:49.950

Dona Keating: If I you know public comment is perfect for public comment, and I also think that if there's any concerns regarding.

348

00:48:50.730 --> 00:48:55.620

Dona Keating: The ethics program as it's set up already that's code we've been getting you know emails from.

349

00:48:55.950 --> 00:49:06.030

Dona Keating: The public through the city clerk or other people, I think that those emails should go directly to counsel, because you know we don't make the codes we don't make the operating rules we actually.

350

00:49:06.360 --> 00:49:13.950

Dona Keating: do that in partnership with so I guess, I just wanted to reiterate I don't believe that there are any circumstances under which we should be contacted by anyone.

351

00:49:18.240 --> 00:49:18.780

Rasham Nassar: Council member.

352

00:49:18.840 --> 00:49:19.140

Brenda Fantroy-Johnson: yeah.

353

00:49:19.410 --> 00:49:20.490

Rasham Nassar: You want to okay go ahead.

354

00:49:20.880 --> 00:49:28.290

Brenda Fantroy-Johnson: yeah I certainly agree with that my comment was more to the time limit, where someone could request.

355

00:49:29.640 --> 00:49:40.080

Brenda Fantroy-Johnson: You know, submit a request I think i'm not sure, but I wanted to find out if there was already something written in the CW that pertains to that and if it's not.

356

00:49:41.100 --> 00:49:51.870

Brenda Fantroy-Johnson: We really should put a time limit on it, I don't want to be 10 years away from here and find myself being brought up on the ethics charge sorry.

357

00:49:53.970 --> 00:49:54.270

yeah.

358

00:49:57.150 --> 00:49:58.590

Rasham Nassar: city attorney your hand is raised.

359

00:49:59.490 --> 00:50:06.420

Joe Levan: So to answer that question, you were talking about the ethics program so get to the Council how what title and bill wants to put on that.

360

00:50:07.080 --> 00:50:14.010

Joe Levan: Whatever is reasonable for this for the Council to determine, I think it would be I think what's really interesting dynamic that the.

361

00:50:14.610 --> 00:50:22.770

Joe Levan: board is probably struggled with to some extent and passports have to is that you know the normal situation is when we have the city council or.

362

00:50:23.130 --> 00:50:29.250

Joe Levan: The advisory bodies, when you have public meetings, there is a section for public comment and that's pretty standard.

363

00:50:29.700 --> 00:50:40.590

Joe Levan: But it is different for the ethics board because they're actually you know considered they're in a totally different position anybody else they're considering specific complaints against specific people and.

364

00:50:41.100 --> 00:50:50.070

Joe Levan: So people that show up, they want to make comment that's you know people will want to do that, but is it's a different situation because there's a process to how to.

365

00:50:50.580 --> 00:51:03.690

Joe Levan: How to determine what you know what information relates to which complaints and then how to process that and, as you said, the program doesn't provide for investigation or independent fact finding.

366

00:51:04.560 --> 00:51:09.390

Joe Levan: So I just I wonder how that's working for the for the board if it's not you're seeking clarity on that, but you know.

367

00:51:09.810 --> 00:51:18.360

Joe Levan: That one option would be that the board would not accept any public comment you could do that it's not it's not required it's something you'd be unusual compared to other.

368

00:51:18.840 --> 00:51:25.770

Joe Levan: advisory bodies, but you are unusual because again you're receiving specific complaints about specific parties.

369

00:51:26.760 --> 00:51:37.230

Joe Levan: And either another thought on that or tangent on that would be public comment could be related to the program itself more generally, and not the best wasn't complaints.

370

00:51:38.010 --> 00:51:44.220

Joe Levan: So that so that the because a lot of people have a lot of opinions about specific complaints, but they may not be.

371

00:51:45.030 --> 00:51:52.800

Joe Levan: I just I just wonder what your experiences is on that if that's been a problem or if it's been helpful, or what you suggest, based on your experience, because now you've gone through several.

372

00:51:53.370 --> 00:52:05.550

Joe Levan: Several complaints and you've had public comment relates to those complaints so that's really at the end of day Council it's really up to you what you think meets the the intent of what you want the program to be, but it is an interesting issue.

373

00:52:06.360 --> 00:52:07.200

Rasham Nassar: councilmember deeds.

374

00:52:09.630 --> 00:52:19.320

Joe Deets: Thank Thank you mayor and and my apologies, I actually have to go double booked tonight so i'm very sorry so i'll just I just want to say.

375

00:52:19.680 --> 00:52:31.920

Joe Deets: All these these comments are very good, and I have opinions to them, but maybe because i'm going to look to the ethics board, since you folks join the ethics board clearly you have thoughts about.

376

00:52:32.430 --> 00:52:53.820

Joe Deets: The FTC of having a name person filing a complaint, you have maybe opinions on departing Council members, so I would like to hear what your thoughts are and then see if we have a consensus so i'll leave it at that and with an other than i'm sorry I actually have to go, so my apologies.

377

00:52:55.410 --> 00:52:56.670

Rasham Nassar: Thank you councilmember dates.

378

00:52:59.100 --> 00:53:00.210

Rasham Nassar: Why topless.

379

00:53:03.450 --> 00:53:10.620

Kirsten Hytopoulos: Well, I have, I have thoughts on all of the all of the proposed or all of the items that the Board is seeking input on.

380

00:53:11.220 --> 00:53:19.020

Kirsten Hytopoulos: Do we want to organize this conversation so that we're going to take each one up discuss that in dispose of it, or at least discuss the supposing that later.

381

00:53:19.680 --> 00:53:32.490

Kirsten Hytopoulos: there's obvious overlap with our pending motions that are in the next section seems like it would be efficient, for us, where there's overlap, to take them up now, rather than try to talk about them twice.

382

00:53:35.070 --> 00:53:39.810

Kirsten Hytopoulos: I can just throw up my thoughts on all of them now, but i'd like to target those comments.

383

00:53:40.350 --> 00:53:47.100

Rasham Nassar: I think we should we should take them up one, at a time in order and then on what what page of your.

384

00:53:48.660 --> 00:53:52.470

Rasham Nassar: So we can refer just for the benefit of the public to um.

385

00:53:52.560 --> 00:53:53.070

So.

386

00:53:55.380 --> 00:54:05.460

Tyler Weaver: I I jumped around a little bit, and it was that's why David, so the issues with regard to attorneys unnamed clients is on page two okay.

387

00:54:06.270 --> 00:54:08.160

Rasham Nassar: So Deputy Mayor, would it be okay to start there.

388

00:54:08.700 --> 00:54:09.810

Rasham Nassar: yeah OK.

389

00:54:09.990 --> 00:54:19.440

Kirsten Hytopoulos: So, my comment on that would be I don't believe that this Council any previous Council ever anticipated anonymous complaints, which is what this is.

390

00:54:20.070 --> 00:54:28.080

Kirsten Hytopoulos: Neither the civil Rules of Procedure and or the constitutional law allows for a criminal procedure allows for people to bring forward.

391

00:54:28.560 --> 00:54:39.990

Kirsten Hytopoulos: You know, we you know, we have the sixth amendment for criminal criminal actions that that allow us that that gives a right to the accused in a in a crime to confront witnesses against him or her what.

392

00:54:40.980 --> 00:54:47.790

Kirsten Hytopoulos: I looked it up real quick a civil federal civil world procedure 10 a requires the title of a complaint.

393

00:54:48.300 --> 00:54:57.060

Kirsten Hytopoulos: must name all the parties and the washington's mirror of that civil rule 10 a one in the complaint, the title of the action shall include the names of all parties.

394

00:54:57.480 --> 00:55:04.890

Kirsten Hytopoulos: So I researched this a little while ago, and this had bubbled up for the board and it, you know, there are there are rare circumstances.

395

00:55:05.220 --> 00:55:14.340

Kirsten Hytopoulos: where one can proceed anonymously where there's real clear danger to the party so in it's a case of a minor a minor.

396

00:55:15.180 --> 00:55:21.930

Kirsten Hytopoulos: abusive all the minor sexual exploitation of a minor I mean some pretty severe circumstances but generally the rule of law in this country.

397

00:55:22.230 --> 00:55:29.010

Kirsten Hytopoulos: Is we don't allow that I don't see I don't believe that anyone anticipated that and I just happened to disagree with the deputy city.

398

00:55:29.310 --> 00:55:45.750

Kirsten Hytopoulos: The previous deputy city attorney's interpretation of the whatever it was that a person could also be a lawyer, so, whatever the Council has to do to change this, I suggest we change it and clarify it if you want to accuse people of certain actions you need to make yourself known.

399

00:55:48.330 --> 00:55:48.750

Rasham Nassar: David.

400

00:55:52.170 --> 00:56:00.900

David Mallon: Thanks, I was just going to respond very quickly to to the city attorney's ask around sort of how this how the communication process has played out.

401

00:56:01.290 --> 00:56:08.280

David Mallon: And just to say he mentioned civically you know, could we, for example, say, the public comment can only apply to certain things.

402

00:56:08.790 --> 00:56:19.260

David Mallon: My first reaction is probably not we've had some folks be very creative in their public comments, where they at least start off saying they're going to comment on the process and it's very obvious they're commenting on a particular complaint.

403

00:56:20.250 --> 00:56:26.940

David Mallon: So I think it's that's that's probably not something we could you know put that fine grained lens on to.

404

00:56:29.820 --> 00:56:30.360

Rasham Nassar: Care Weaver.

405

00:56:31.590 --> 00:56:32.700

Tyler Weaver: All respond.

406

00:56:34.350 --> 00:56:38.220

Tyler Weaver: First of all, to the issue of public comment.

407

00:56:39.840 --> 00:56:48.150

Tyler Weaver: I personally find the public comment I think it's valuable for people to raise things I think the Board has been very good about.

408

00:56:50.280 --> 00:56:52.830

Tyler Weaver: not really having that affect us I.

409

00:56:54.090 --> 00:56:59.010

Tyler Weaver: It would feel strange to me as a public board and not have any opportunity for the public to interact with us, but.

410

00:57:00.960 --> 00:57:03.000

Tyler Weaver: Then, to the issue of the anonymous complaint.

411

00:57:05.130 --> 00:57:19.590

Tyler Weaver: I'll just have everyone know that exact what happened in that case was cleaned up considering basically the same complaint twice, because there was a member of the public who refile the Attorney complaint that had no client name on it and followed it under their name.

412

00:57:20.910 --> 00:57:24.960

Tyler Weaver: So even that would have been a word around around the rule but.

413

00:57:27.270 --> 00:57:29.340

Tyler Weaver: I just wanted to raise that so you're aware of it.

414

00:57:31.920 --> 00:57:47.010

Rasham Nassar: Okay, so so we moved on from the public comment issue to to the complaints paid by attorney on behalf of an unnamed client anonymous complaints so um maybe we can put the anonymous complaint thing on brief hold.

415

00:57:48.060 --> 00:57:54.480

Rasham Nassar: While we close the lid on the previous matter, which was the public comment so.

416

00:57:55.920 --> 00:58:02.220

Rasham Nassar: I know that we're not making motions and passing making decisions tonight I think we're just here Councils here to hear the feedback of the board.

417

00:58:03.390 --> 00:58:13.500

Rasham Nassar: So be good to hear how the board members that are present tonight i'll feel about that collectively so that Council knows what better sense of of how we would like to proceed in terms of taking action.

418

00:58:14.670 --> 00:58:19.170

Rasham Nassar: Deputy Mayor invite you to add to that or amend that if you wish.

419

00:58:20.460 --> 00:58:28.470

Kirsten Hytopoulos: Well, I think this is the time we don't need to make motions tonight, and I might in fact not be good, because there's not, although we have pending motions that have already been on the record for well.

420

00:58:29.070 --> 00:58:38.400

Kirsten Hytopoulos: But I do think we should all weigh in on that I don't think we want to repeat this conversation than as a Council, so I think that it's important we hear from the board, this is your chance for us to hear from you.

421

00:58:38.700 --> 00:58:53.490

Kirsten Hytopoulos: But I want to hear from my fellow Council members too, because then we know what actions we do and don't want to move forward with, so I would like to weigh in on the anonymous i'm not the anonymous i'm sorry the public comment issue, I can do that now or later if we're taking that up.

422

00:58:54.180 --> 00:59:01.410

Rasham Nassar: What do you go ahead on that w mayor, and so we can we can feel like we're checking boxes boxes here tonight yeah.

423

00:59:01.440 --> 00:59:08.310

Kirsten Hytopoulos: So, I guess, my concern is, I think the program has been written so with the idea that it is the four corners of the documents in front of the.

424

00:59:08.760 --> 00:59:17.130

Kirsten Hytopoulos: deciding that the deciders the members of the board that the decisions you made on I mean I think it's a lot to ask even have trained judicial professionals.

425

00:59:17.460 --> 00:59:31.560

Kirsten Hytopoulos: To just ignore or jurors we put journalists positional time to just ignore extraneous information we instruct jurors in a in a in a jury trial to not watch TV or visit the site or do anything outside of what is offered to them.

426

00:59:32.040 --> 00:59:37.980

Kirsten Hytopoulos: So I mean i'm not going to try to step on the toes of the board of the guards of whether it's a public comment but I certainly would.

427

00:59:38.340 --> 00:59:51.120

Kirsten Hytopoulos: Do whatever possible to try to limit having, for example with emails trying to limit email access and so forth, to try to limit the likelihood of receiving extensive testimony from somebody outside of the process of the complaint and the response.

428

00:59:51.810 --> 00:59:57.420

Kirsten Hytopoulos: If I am being complained against I get my one shot, the response I don't get to now.

429

00:59:57.660 --> 01:00:10.650

Kirsten Hytopoulos: respond to hear what has been you know what testimony has been provided by this citizen of that citizen, I may never even know what happened, I don't have an opportunity to respond so it doesn't really feel fair to open the process up in any way to public comment.

430

01:00:11.700 --> 01:00:17.970

Kirsten Hytopoulos: And that public comment should be limited to changes to the program and that sort of thing and not any topic.

431

01:00:21.480 --> 01:00:21.990

Rasham Nassar: don't yeah.

432

01:00:22.830 --> 01:00:30.480

Dona Keating: I just wanted to quickly say that one of the reasons why we decided as a board to allow public comment and we wanted to have as much transparency.

433

01:00:31.200 --> 01:00:38.880

Dona Keating: And we have a bond with the public, because we are here to serve the public interest and we just wanted to have that communication, but at the same time.

434

01:00:39.210 --> 01:00:42.090

Dona Keating: You know the point that you make is very relevant regarding you know.

435

01:00:42.570 --> 01:00:52.290

Dona Keating: operating as a clause, I do to just show a jury and I having input, but even in that situation, you know you can have someone tell you a judge and tell you to disregard that, so we have that option.

436

01:00:52.920 --> 01:00:57.540

Dona Keating: But I would say that if we had to make a decision, I would always err on the side of having that.

437

01:00:58.170 --> 01:01:08.880

Dona Keating: Public input or public communication and then just making a collective decision as award to be as objective as possible and dismiss what doesn't you know what doesn't apply to what we're doing.

438

01:01:11.940 --> 01:01:12.780

Rasham Nassar: and go ahead, turn Weaver.

439

01:01:14.070 --> 01:01:25.860

Tyler Weaver: um I would just add that what we have the public comment, we have gotten has not been testimonial I mean I think if we had a public comment at a meeting or somebody was trying to feed us a bunch of facts.

440

01:01:27.600 --> 01:01:29.490

Tyler Weaver: I would cut them off frankly.

441

01:01:32.850 --> 01:01:38.070

Tyler Weaver: There have been a couple times, where we reached decisions that members of the public.

442

01:01:40.050 --> 01:01:45.960

Tyler Weaver: don't think understood or agreed with and the public comment allowed them to.

443

01:01:48.330 --> 01:01:54.930

Tyler Weaver: raise their concerns and allowed us have limited opportunity to respond to that and I think I found that valuable.

444

01:01:57.390 --> 01:02:05.730

Tyler Weaver: To go back to what Tony was saying and helps us with transparency and it helps us to under to make sure people understand why we reached the conclusions we did.

445

01:02:09.690 --> 01:02:17.970

Tyler Weaver: I think, at least this board i've been very i've been very impressed about how we have kept to ourselves and our decisions and not been influenced by what.

446

01:02:19.440 --> 01:02:21.690

Tyler Weaver: How some people might want us to or not.

447

01:02:23.550 --> 01:02:25.710

Rasham Nassar: If I if I could ask a question of the city attorney.

448

01:02:26.670 --> 01:02:34.980

Rasham Nassar: Before we continue the discussion of potentially what I hear to be maybe some interest in potentially limited having public comment but limiting public comment, I just want to.

449

01:02:35.610 --> 01:02:41.010

Rasham Nassar: hear from the city attorney is that can we do that because I know we've talked about that, with regard to counsel public comment.

450

01:02:42.960 --> 01:02:43.680

Rasham Nassar: But is that.

451

01:02:44.730 --> 01:02:50.850

Joe Levan: yeah so it's a no public comment generally as a limited public forum, but if the.

452

01:02:52.590 --> 01:03:03.450

Joe Levan: it's so so it's difficult when you depend on how how it's if it's opened up for general comment that it's hard, then you can't really restrict with what is said.

453

01:03:03.990 --> 01:03:19.290

Joe Levan: But if you, but if it's opened up like related to a particular complaint it's broader otherwise, then it has to be germane and relevant to that particular topic so you know that's the problem that's gets to be kind of problematic and trying to decide.

454

01:03:20.460 --> 01:03:25.770

Joe Levan: What can be said what can't be said, and if it's too limited, then you then you're crossing a line, the first amendment line.

455

01:03:26.340 --> 01:03:36.540

Joe Levan: So I mean that that's why again it's in it's very unique for that ethics board, because you are in a manner you're kind of the first step of equation judicial process and, just like you know it.

456

01:03:36.960 --> 01:03:41.520

Joe Levan: If we had here and examiner proceeding today related to the ethics program it's not it's it's a.

457

01:03:41.940 --> 01:03:50.400

Joe Levan: Hearing but it's not a public hearing, where the public comments, because it just like a judicial proceedings as the Deputy Mayor indicated like when you go to court, you don't have the general public.

458

01:03:50.670 --> 01:03:57.240

Joe Levan: Making comment about to have specific complaint, so you know another thing to think about is just because we're talking about.

459

01:03:57.480 --> 01:04:02.730

Joe Levan: comment at a meeting but there's other ways for people to provide comments, so they can do that in a written form.

460

01:04:03.000 --> 01:04:10.590

Joe Levan: And, as it goes through the chair for example than the Chair can determine, through relates to the program improvements to the program or that kind of thing, as opposed to.

461

01:04:10.890 --> 01:04:17.220

Joe Levan: Related to specific complaints so there's other ways to receive comment, other than through through your meetings.

462

01:04:18.000 --> 01:04:30.630

Joe Levan: But it is, it is difficult, if you're trying I know the in the Board has had this, I think, already situations where you've had where lines have been drawn potentially and people have been happy with being cut off or.

463

01:04:31.740 --> 01:04:42.030

Joe Levan: Or you know, trying to make a determination, whether or not they can speak or not, because, again, if you open it up for just general comment it's very difficult to limit what people say that's that's the reality of our law.

464

01:04:43.380 --> 01:04:44.310

Rasham Nassar: councilmember schneider's.

465

01:04:45.450 --> 01:04:46.020

Leslie Schneider: Thank you.

466

01:04:47.820 --> 01:04:56.520

Leslie Schneider: I think what I would like to express, is my appreciate that the ethics board is seeing value in the public comment.

467

01:04:58.050 --> 01:05:14.610

Leslie Schneider: And so I would like to honor that, at the same time, I also know that things work until they don't and it's really hard to kind of shut the barn door after the horse gets out and there are, it does seem.

468

01:05:16.260 --> 01:05:24.600

Leslie Schneider: From kristen's comments that you know, there really is there would be a huge frustration for any of us to be on.

469

01:05:24.960 --> 01:05:38.370

Leslie Schneider: the receiving end of a complaint and then on top of that, beyond the receiving end of public comment and not feel able to respond so I guess my request would be that if the ethics board does want to continue to.

470

01:05:39.690 --> 01:05:43.110

Leslie Schneider: For now, anyway, except public comment that there be.

471

01:05:44.280 --> 01:05:48.600

Leslie Schneider: An ability for when something like that happens for.

472

01:05:49.680 --> 01:05:57.540

Leslie Schneider: The person who has the complaint lodged against them to be able to request and get a rebuttal opportunity.

473

01:05:58.020 --> 01:06:10.590

Leslie Schneider: And if that has to happen very many times, I would say we shut down the public comment piece, because I don't think that would be where we really want to be, but if we wanted to experiment for a while, then maybe we have a safety valve.

474

01:06:11.760 --> 01:06:14.940

Leslie Schneider: For for that particular case so that's that's my input.

475

01:06:18.960 --> 01:06:23.430

Rasham Nassar: Is it Okay, if I go to David, I think your hand went up, but it was up for a while and then it went down.

476

01:06:24.870 --> 01:06:26.430

Rasham Nassar: And somebody.

477

01:06:27.090 --> 01:06:35.850

David Mallon: said, thank you, I I was just at first, I was going to just concur with what I said it sort of interpreting Tyler and don't you know, I was saying that.

478

01:06:36.330 --> 01:06:44.910

David Mallon: If you look at the report we gave you we actually is as much about the emails as it was public comment, and I think the sense of it was.

479

01:06:45.480 --> 01:06:54.300

David Mallon: We are the sense of the group was We appreciate the public comment moment as Tyler said, we were we felt like we were managing it reasonably well.

480

01:06:54.810 --> 01:07:05.640

David Mallon: And we were willing to take the risk to keep that channel open the thing that we really wanted to see happen was the emails taken off the website so that at least that particular backdoor was taken was taken down.

481

01:07:06.360 --> 01:07:14.760

David Mallon: And I think that's still probably where where I that's that's what if, if my one suggestion would be just that keep the public comment but take the emails off the website.

482

01:07:15.390 --> 01:07:21.540

David Mallon: But, in the sense of this conversation and actually what both the previous Council members talk to.

483

01:07:22.140 --> 01:07:29.040

David Mallon: I could see us choosing to do something different, with public comment I think there's something is Tyler and don't you both indicated, there is something.

484

01:07:29.490 --> 01:07:35.400

David Mallon: The spirit of it feels like a good thing to offer some some way for the public to talk to us.

485

01:07:35.940 --> 01:07:50.160

David Mallon: But as the city attorney has suggested, maybe there's alternative ways to do that and i'd certainly be open to that I don't think i'd want to turn off that option entirely, but if there are ways to put safety valves on it, then, then by all means we can do that.

486

01:07:51.990 --> 01:07:53.130

Rasham Nassar: Deputy Mayor had Davos.

487

01:07:54.390 --> 01:08:03.300

Kirsten Hytopoulos: Well, I would like clarification from the city attorney whether, if you have if you know this or not without research, but is it possible to define.

488

01:08:03.990 --> 01:08:16.380

Kirsten Hytopoulos: Public comment in the negative, I mean, in other words, is it only you may provide comment on these items, therefore, if it's not germane you can be cut off or it's open public comment and everything goes.

489

01:08:16.770 --> 01:08:23.010

Kirsten Hytopoulos: Is there is there is there an in between, which is that the nature of public comment at the ethics board.

490

01:08:23.970 --> 01:08:37.860

Kirsten Hytopoulos: is open public comment accepted that comment will not be taken on pending matters is that so and I think the board needs to know, because otherwise it, I think that they would like to be able to cut people off if they're doing that.

491

01:08:38.940 --> 01:08:43.230

Joe Levan: Well, I think the way to consider that would be it wouldn't be open public comment.

492

01:08:44.340 --> 01:08:54.210

Joe Levan: It be even a more limited forum, it would be it'd be comments that's allowed from the public related to the design, which define what it would relate to.

493

01:08:54.810 --> 01:09:04.680

Joe Levan: But that so that so that would be the purpose of the comment would relate to a specific topics and if it was did relate to that topic that it wouldn't be true man and that wouldn't be appropriate.

494

01:09:05.760 --> 01:09:07.890

Joe Levan: So I think that could be defined.

495

01:09:09.000 --> 01:09:19.890

Joe Levan: That way, another thing I wanted to mention is that, in terms of the program and any because certainly it's very viable, of course, to get public comment for related to the program but it's.

496

01:09:20.490 --> 01:09:30.120

Joe Levan: Just something to consider that it's the Council establish this program it's the council's program so that that comment, presumably is more more.

497

01:09:30.960 --> 01:09:35.280

Joe Levan: Appropriately directed to the Council not not to the board.

498

01:09:35.760 --> 01:09:45.660

Joe Levan: because the Council is the one who determines you know what it wants to do with the program and the Council can certainly seek input from the board about any kind of common against right so someone from the public says.

499

01:09:45.930 --> 01:09:57.570

Joe Levan: I think the program is needs needs to be improved, based on this this and this that that would go to the Council and the Council then can get input from the board about you, what do you suggest on this or what's your recommendation.

500

01:09:59.790 --> 01:10:06.540

Kirsten Hytopoulos: And I just respond I were in a weird situation and christy is probably going to want it be a process person who handle this but.

501

01:10:07.290 --> 01:10:14.100

Kirsten Hytopoulos: we're not making motions we're also two boards together a bit we'd like to coalesce I think and come to some conclusions.

502

01:10:14.700 --> 01:10:20.520

Kirsten Hytopoulos: I mean i'm not sure how we're going to do that so like in this situation, I guess, I would suggest that what i'm hearing is the board.

503

01:10:21.330 --> 01:10:29.400

Kirsten Hytopoulos: The Board, would like to not have their emails easily accessible for that type of public comment, and I support that and imagine Council sports that.

504

01:10:29.790 --> 01:10:39.390

Kirsten Hytopoulos: The Board, would like to continue to have public comment, and perhaps the Board will work on determining how to define it so that it can get the comment at once and i'm supportive of that.

505

01:10:39.900 --> 01:10:48.240

Kirsten Hytopoulos: I don't know if that's helpful but mayor, I work councilman car Christie maybe we can figure out how to bring these to a conclusion each topic.

506

01:10:49.980 --> 01:10:51.540

Rasham Nassar: Steve councilmember car has a suggestion.

507

01:10:53.400 --> 01:11:02.490

Christy Carr: Well, thank you, I not really, but I think that Deputy Mayor kind of nailed the two salient topics here in terms of emails is what the Board was asking for.

508

01:11:03.300 --> 01:11:13.890

Christy Carr: In their report that they gave to us, and I would agree with that, as well, I think we can probably come to an agreement that we would not have their emails available publicly and that.

509

01:11:15.420 --> 01:11:31.410

Christy Carr: That solves one problem and then in terms of public comment it sounded like the board, like the spirit or intent of the public comment for a program that serves the public, and that they would continue to work on how that works, so I think those are really the two points and.

510

01:11:33.060 --> 01:11:40.440

Christy Carr: Thanks, it sounds like everybody's been saying the same thing so maybe we can draw that point to a conclusion.

511

01:11:44.100 --> 01:11:45.600

Christy Carr: yeah for me.

512

01:11:46.260 --> 01:11:48.690

Rasham Nassar: Does anyone disagree with what councilmember car said.

513

01:11:51.840 --> 01:12:05.760

Rasham Nassar: so that we could we can take that as as direction for how we like to move forward and i'm going to turn to this city attorney and say, well, how do we move forward from here we're not making motions are you tracking these recommended changes.

514

01:12:05.820 --> 01:12:09.750

Joe Levan: yeah I am and on that front, I think the takeaway I would have is.

515

01:12:10.860 --> 01:12:16.650

Joe Levan: That, as for you have to explore chair it's part of the comment I will comment that you allow.

516

01:12:17.100 --> 01:12:28.530

Joe Levan: They do you make clear, maybe, maybe we work on a statement that you, you provide that that is clear about this, is this is not just general public comment, this is public comment that's the received.

517

01:12:29.070 --> 01:12:42.030

Joe Levan: But what is not allowed is because of the unique nature of the ethics board it's not appropriate to comment on specific attendee matters in front of the Board something like that, I think that we could work on some language related to that.

518

01:12:43.770 --> 01:12:53.250

Rasham Nassar: city attorney can't you just can't you write that into the agenda by structuring it under an agenda item that was say ethics board general procedures and process.

519

01:12:53.790 --> 01:13:07.950

Rasham Nassar: And then public comment period will pertain to that agenda item and then there's there's no general public comment right on this at the start of the agenda, but there is a public comment period but it's captured and contained within the scope of whatever agenda item proceeds it.

520

01:13:09.750 --> 01:13:23.520

Joe Levan: yeah so that's that's a that's a good point where depending on, so the topics on the agenda for the ethics board, obviously the topics that relate to specific compliance you wouldn't take a comment on those.

521

01:13:24.120 --> 01:13:31.650

Joe Levan: But if you had other items that related to the program you would take comment related to those items and but you wouldn't have any general public comment.

522

01:13:32.580 --> 01:13:37.320

Joe Levan: Provision so like at the start, you mean, however, you do that now that you could do that that that's a good solution.

523

01:13:37.680 --> 01:13:46.200

Joe Levan: Because then you'd only be taking comment on the agenda item and then you're getting public comment on that agenda item, but if it didn't relate to the agenda item that it wouldn't be germane.

524

01:13:46.980 --> 01:13:55.560

Joe Levan: To that topic, and you that speaker that could be cut off for not addressing not you know not speaking on a topic destroy main to that particular topic.

525

01:13:58.230 --> 01:13:59.220

Rasham Nassar: Okay councilmember card.

526

01:14:00.120 --> 01:14:08.910

Christy Carr: yeah thanks I was thinking about a statement, I think the planning Commission might do that sometimes, and in the beginning of their public comment period I can't remember.

527

01:14:09.840 --> 01:14:21.030

Christy Carr: But then I was also curious because the public comment to the point that you're not gathering facts and you're not investigating and you're not supposed to actually be considering the public comment that you're receiving if it's on.

528

01:14:21.480 --> 01:14:37.140

Christy Carr: If it's on a case that's in front of you, maybe that's the the gentler statement is to say, we appreciate, we want to continue this spirit of communication and transparency, but please know, according to the program we are considering this.

529

01:14:38.340 --> 01:14:51.570

Christy Carr: in a certain way, which doesn't necessarily include your input in public comment, so I don't know if that makes sense if in in terms of a preliminary air preface statement at an actual meeting.

530

01:14:52.860 --> 01:14:57.810

Christy Carr: And then, I guess, I just wanted to comment on Council members snyder's idea to about giving Council people the.

531

01:14:58.980 --> 01:15:15.870

Christy Carr: chance to rebut public comment it's sorted to that same point is that again that, whatever the Council person would bring forward wouldn't be considered by the ethics board just the same as the public comment when being so I didn't see value in that opportunity being provided.

532

01:15:18.690 --> 01:15:19.170

Rasham Nassar: Here Weaver.

533

01:15:20.790 --> 01:15:24.840

Tyler Weaver: yeah I was just going to suggest that in order to move forward.

534

01:15:26.100 --> 01:15:36.780

Tyler Weaver: I will work with the city attorney or his deputy, on some language design to make it clear, we are not going to accept comment on.

535

01:15:37.980 --> 01:15:38.790

Tyler Weaver: Currently.

536

01:15:40.710 --> 01:15:41.910

Tyler Weaver: considered complaints.

537

01:15:44.100 --> 01:15:48.420

Tyler Weaver: I don't, I would like to keep the ability for people to.

538

01:15:49.530 --> 01:15:50.160

Tyler Weaver: comment.

539

01:15:51.300 --> 01:16:02.490

Tyler Weaver: However, they want to on opinions that we have issued and the ability to to deal with that and things that we've already decided, so that we could answer any public questions that are about that.

540

01:16:05.160 --> 01:16:11.460

Rasham Nassar: Well Okay, and I think that that's that's good direction to move forward, and I think the city attorney will also consider with you.

541

01:16:11.910 --> 01:16:22.290

Rasham Nassar: The option that I proposed, which was just to you would just schedule routine carry over items on every month agenda and accept public comment for those items, one could be passed.

542

01:16:23.220 --> 01:16:31.530

Rasham Nassar: opinions and find determinations by the ethics board public comment on that item in the second could be the ethics program public comment on that item.

543

01:16:32.490 --> 01:16:38.640

Rasham Nassar: And then for anything that you're currently considering Of course you just would not put in your agenda that there was a public comment period and the city attorney.

544

01:16:40.230 --> 01:16:44.760

Rasham Nassar: And you chair, we were sounds like you will be discussing that which is the better of the two approaches.

545

01:16:46.470 --> 01:16:51.840

Rasham Nassar: So we're good on that one i'm going to i'm going to literally check it off my list for.

546

01:16:52.980 --> 01:16:58.680

Rasham Nassar: me is making progress, okay Deputy Mayor may go back to you now to that.

547

01:17:00.120 --> 01:17:09.420

Rasham Nassar: Page to have six for the members of the public that are following along we're going to be discussing again the complaints made by an attorney on behalf of an unnamed client or anonymous.

548

01:17:11.010 --> 01:17:13.410

Rasham Nassar: clients somebody gets an ethics complaint in general.

549

01:17:15.210 --> 01:17:19.500

Kirsten Hytopoulos: Well, I mean, I think I made my statement is to my statements as to why I don't think that.

550

01:17:19.860 --> 01:17:25.710

Kirsten Hytopoulos: We should allow that we need to clarify in the program that the person complaining needs to identify themselves as somebody mentioned that.

551

01:17:26.190 --> 01:17:33.540

Kirsten Hytopoulos: In that one that had come to the board than someone else came in, then stood in the shoes of the Attorney on behalf apparently of this.

552

01:17:33.840 --> 01:17:41.850

Kirsten Hytopoulos: Also unnamed person and if i'm understanding that correctly remember the point is what whoever is serving as an agent for the person that's not acceptable it's not just the.

553

01:17:42.270 --> 01:17:49.380

Kirsten Hytopoulos: status of attorney it's that the person bringing forward the complaint needs to bring from the complaint and this shouldn't be a big problem, because in that kind of case.

554

01:17:50.040 --> 01:17:58.590

Kirsten Hytopoulos: I don't know which complainant was but presumably that new third party could just take over the complaint and be the complainant, as long as they are the the actual.

555

01:17:59.220 --> 01:18:06.810

Kirsten Hytopoulos: You know, as a player in a one on one situation, but in any case, I just wanted to clarify that this isn't just about attorney client, this is about.

556

01:18:07.830 --> 01:18:16.080

Kirsten Hytopoulos: Whoever is complaining Someone needs to put their name on and say it to stay I this person am complaining these facts.

557

01:18:17.610 --> 01:18:18.540

Rasham Nassar: Okay chair Weaver.

558

01:18:19.080 --> 01:18:30.720

Tyler Weaver: I just wanted to clarify that in that case we did have somebody come forward and say i'm complaining here's my complaint and then attach the hundred page complaint from an attorney.

559

01:18:35.130 --> 01:18:38.100

Rasham Nassar: So I think at this point if ethics board members would like to weigh in.

560

01:18:39.300 --> 01:18:40.950

Rasham Nassar: With your individual opinions.

561

01:18:42.090 --> 01:18:42.870

Rasham Nassar: On this question.

562

01:18:44.160 --> 01:18:45.360

Rasham Nassar: Go ahead chair Weaver.

563

01:18:47.880 --> 01:18:49.410

Tyler Weaver: In the one we considered I mean I.

564

01:18:50.640 --> 01:18:58.530

Tyler Weaver: I don't know that it matters to me as an ethics board member necessarily whether there is a name on it or not.

565

01:18:59.610 --> 01:19:01.440

Tyler Weaver: we're getting we looked at it the same way.

566

01:19:03.090 --> 01:19:13.680

Tyler Weaver: It did affect at least to some extent our credibility analysis, because they didn't have anybody who could come forward and say that they've seen or heard that so we did take that into consideration and that way.

567

01:19:17.400 --> 01:19:22.080

Tyler Weaver: I don't really have a strong feeling about whether it should be that way or not.

568

01:19:23.520 --> 01:19:32.280

Tyler Weaver: You know, we can treat it just as any other complaint, but you know I, it was an issue that came up that I knew the Council would want to consider.

569

01:19:35.340 --> 01:19:35.910

Rasham Nassar: don't yeah.

570

01:19:37.080 --> 01:19:38.430

Dona Keating: I think that.

571

01:19:40.170 --> 01:19:49.530

Dona Keating: You know, I think that having an anonymous complaint actually does get in the way of us being able to confirm the veracity of some of the the allegations that are being made.

572

01:19:50.520 --> 01:19:56.520

Dona Keating: I think that we already have in a lot of ways in our legal system, you know the whistleblower protection.

573

01:19:56.790 --> 01:20:04.650

Dona Keating: under very extreme circumstances which we could consider on a case by case basis, but they would have to actually maybe fill out some type of a document.

574

01:20:05.370 --> 01:20:17.970

Dona Keating: That would go to the city clerk and be reviewed as to whether or not that was something that was legitimate and require that type of protection but otherwise I would say that we should not be taking any anonymous complaints at all.

575

01:20:19.620 --> 01:20:19.800

Rasham Nassar: A.

576

01:20:21.000 --> 01:20:31.290

Rasham Nassar: city attorney is that have you done review of that do you know if it's possible and consistent with the public records act that we could accept anonymous complaints under whistleblower protection.

577

01:20:32.370 --> 01:20:32.910

Rasham Nassar: In right.

578

01:20:33.150 --> 01:20:37.800

Joe Levan: Now I have looked up in particular I do you know it more generally.

579

01:20:40.050 --> 01:20:50.430

Joe Levan: In terms of complaints that are brought about kind of that there is a way for complaints or generally say in a code compliance situation.

580

01:20:51.030 --> 01:21:01.170

Joe Levan: Where a complaint identify that they there's a threat to their personal safety or their property and they want to remain anonymous and then we respect that if they identify themselves in that situation.

581

01:21:01.740 --> 01:21:10.530

Joe Levan: So you potentially could have a similar situation with the ethics board where they would identify why they think that their their safety or you know their.

582

01:21:11.010 --> 01:21:21.510

Joe Levan: That that's the standard delta it's a standard related to personal safety and personal and property it's, not just because they don't want to be known, so that it, I would suggest you have some kind of.

583

01:21:22.890 --> 01:21:28.020

Joe Levan: vetting process to determine if there's a basis to for them to be anonymous.

584

01:21:30.870 --> 01:21:32.550

Rasham Nassar: Okay um David.

585

01:21:34.350 --> 01:21:49.140

David Mallon: yeah Thank you, I think I would basically just just reiterate my personal opinion is somewhat similar to tanya isn't that you know, notwithstanding if there's some way to protect the the rare cases where someone has a legitimate reason not to include their name.

586

01:21:50.280 --> 01:21:52.260

David Mallon: I think, in many ways.

587

01:21:53.340 --> 01:22:00.630

David Mallon: Many of our meetings have probably tended to push too much in the direction of us being a sort of.

588

01:22:01.740 --> 01:22:09.780

David Mallon: An accumulative body which somebody said already, on this on this on this meeting we're supposed to be our primary purpose education.

589

01:22:10.440 --> 01:22:19.200

David Mallon: And the spirit of our conversations we I think I would say we've done a pretty good job of trying to keep the spirit of our conversations, more focused on.

590

01:22:19.770 --> 01:22:26.370

David Mallon: The concepts on the ideas on you know what How should this be and and and focused on education and.

591

01:22:26.790 --> 01:22:33.750

David Mallon: In that concept, I think that in that light, I think that's another reason why you know if you have a an issue to raise to us.

592

01:22:34.080 --> 01:22:47.430

David Mallon: Then you should put your name to it because it's part of the it's we are creating a space for dialogue on in especially for something in some of the clump complaints, so I think that's that just fits the it fits the spirit of what we're trying to do.

593

01:22:49.650 --> 01:22:50.610

Rasham Nassar: What counts councilmember car.

594

01:22:53.010 --> 01:22:53.760

Christy Carr: I actually.

595

01:22:54.930 --> 01:23:01.590

Christy Carr: have seen that Jim has had his hand up a couple times without the button so i'd like to give him a chance to speak oh.

596

01:23:02.520 --> 01:23:06.900

Rasham Nassar: Jim my apologies, I haven't witnessed that are you have a raise hand.

597

01:23:07.140 --> 01:23:08.370

Rasham Nassar: feature at the bottom of your screen.

598

01:23:09.180 --> 01:23:10.110

Jim Cash: Not that I see.

599

01:23:10.680 --> 01:23:13.200

Rasham Nassar: Okay i'm strange OK, I will pick.

600

01:23:14.340 --> 01:23:16.410

Rasham Nassar: So go ahead yeah before.

601

01:23:17.190 --> 01:23:19.830

Jim Cash: I was just in the anonymous situation.

602

01:23:21.240 --> 01:23:30.510

Jim Cash: I reiterate what everyone else has said that I don't believe anonymous complaint should be accepted, but in those rare occasions that there is a legitimate reason.

603

01:23:30.960 --> 01:23:39.840

Jim Cash: I really think that the determination on whether it's legitimate or not should be up to the attorney's office, not us, and not the city clerk's.

604

01:23:43.200 --> 01:23:44.160

Rasham Nassar: Council our car.

605

01:23:46.170 --> 01:23:53.640

Christy Carr: yeah, I think, so I would just concur with what most of everyone has said, I don't support anonymous complaints.

606

01:23:55.770 --> 01:24:04.170

Rasham Nassar: um so picking up from jim's comments were and hearing kind of that sort of what I feel to be might be the consensus of the group.

607

01:24:04.680 --> 01:24:15.540

Rasham Nassar: Know anonymous complaints, but allowing review as to whether or not anonymity should be granted to a complainer up to the discretion of the city attorney's office.

608

01:24:16.560 --> 01:24:27.420

Rasham Nassar: And if city attorney you mentioned some standards that we might already have those for code enforcement or somewhere else within the administration would you just apply the same standards or what what would those be.

609

01:24:27.930 --> 01:24:34.380

Joe Levan: that'd be part of the standard another thing to think about to answer your question about the whistleblower issue.

610

01:24:35.100 --> 01:24:47.520

Joe Levan: A big part of the whistleblower protection relates to the protection from a retaliation related to bring in a whistleblower complaint, so that that's something you can, in this context with an ethics complaint.

611

01:24:49.320 --> 01:24:51.660

Joe Levan: The question would be what's what's the retaliation.

612

01:24:52.500 --> 01:25:03.540

Joe Levan: Because what what kind of retaliation would be proud on this person from the ethics board or potentially from the Council for them, bringing an issue to life that they want the have explored to consider so just would seem like a really rare.

613

01:25:04.890 --> 01:25:11.400

Joe Levan: situation that probably be hard to contemplate how that could ever happen someone may think that they may want to be anonymous.

614

01:25:11.910 --> 01:25:20.190

Joe Levan: But in reality, what would potentially would be that retaliation that they're bringing to light some issue for the ethics board to consider that they're concerned about.

615

01:25:20.580 --> 01:25:29.850

Joe Levan: And again, in terms of the program it's it's meant to be primarily educational so everyone can learn from that so it seemed like that would be in the public interest to have the person identify themselves.

616

01:25:32.910 --> 01:25:34.260

Rasham Nassar: Deputy Mayor had topless.

617

01:25:37.560 --> 01:25:53.070

Kirsten Hytopoulos: Yet, two things one just for the public sake it's worth noting that the way the program is set up, when someone brings forward a complaint again the complaint in the response, are not going to be published and the only getting it published say an article one is going to be a.

618

01:25:54.810 --> 01:25:59.700

Kirsten Hytopoulos: An advisory opinion if it goes to mediation is just going to kind of disappear off the face of the any public.

619

01:26:00.180 --> 01:26:08.310

Kirsten Hytopoulos: You know stage so it's you know it's not as though, when one identifies oneself they're identifying themselves the entire general public.

620

01:26:08.640 --> 01:26:16.950

Kirsten Hytopoulos: That they're bringing this bring that forward so I want to point that out, and then I would just really caution that we're not applying the exact same calculus that's applied to.

621

01:26:18.450 --> 01:26:26.640

Kirsten Hytopoulos: A code enforcement complaint, which is very different, again, for one thing it's probably neighbor neighbor, which is much more intense and different than what we're talking about.

622

01:26:26.910 --> 01:26:34.800

Kirsten Hytopoulos: And also again the allegation being brought forward is you, you know you parked this here you put this there you burn this I don't know you built that.

623

01:26:35.070 --> 01:26:45.600

Kirsten Hytopoulos: versus you know you're committing an ethical act and so forth, I mean again i'm sorry but to bring it back as much as it should be an educational program Unfortunately I don't think a lot of people who bring these.

624

01:26:46.440 --> 01:26:55.470

Kirsten Hytopoulos: Allegations forward are looking for education, they are looking they have an axe to grind, and so I think it is it's very different someone seeking confidentiality there and I I just.

625

01:26:56.040 --> 01:27:04.620

Kirsten Hytopoulos: I just want to counter that with i'm not i'm not asking the city attorney to apply and other should join it, you know to weigh in the same calculus as the.

626

01:27:06.000 --> 01:27:06.750

Kirsten Hytopoulos: code enforcement.

627

01:27:12.750 --> 01:27:13.380

Rasham Nassar: chair Weaver.

628

01:27:14.820 --> 01:27:23.700

Tyler Weaver: yeah i'm just going to add a little bit of more factual background in detail the Attorney in this complaint did assert that the complainant felt.

629

01:27:24.420 --> 01:27:36.840

Tyler Weaver: threatened by the respondent and claim that the respondent had threatened him or her in the past we didn't we didn't have any of that was that was a specific as a God and.

630

01:27:37.980 --> 01:27:47.820

Tyler Weaver: We didn't refer to the city attorney but that allegation was made in that complaint as as an explanation for why that person did not feel comfortable being named.

631

01:27:50.250 --> 01:27:51.210

Rasham Nassar: And going yeah.

632

01:27:52.230 --> 01:27:56.940

Dona Keating: We actually had two complaints, one of them was the anonymous one where they said that they were.

633

01:27:57.300 --> 01:28:03.840

Dona Keating: afraid of retaliation, and then we have the other one where they said, the reason why they file two and a half years later, is because they were afraid.

634

01:28:04.230 --> 01:28:11.460

Dona Keating: Of repercussions at the time that the incident allegedly to play so those were two instances where you know people said that they felt like they were threatened.

635

01:28:11.790 --> 01:28:17.700

Dona Keating: Which is why it's particularly important to have a mechanism for you know, looking at and reviewing and vetting whether or not.

636

01:28:18.120 --> 01:28:26.160

Dona Keating: You know that's really a valid reason for being anonymous and then the second thing I wanted to say is that we talked about anonymity, but there's kind of an inconsistency.

637

01:28:26.490 --> 01:28:38.820

Dona Keating: Because when we submit an agenda and that agenda has you know our packet then those those packets include you know the the complaints and they come in, they include the responses.

638

01:28:39.120 --> 01:28:45.420

Dona Keating: And so, when we make a decision and we're deliberating on whether they have a subcommittee and then we're reviewing it and coming back and voting on.

639

01:28:45.660 --> 01:28:56.640

Dona Keating: The final version of that document it's public it's something that they can access on the website through Agenda and minutes and it's something they can access through a public records request so.

640

01:28:56.850 --> 01:29:05.970

Dona Keating: If we're really going to talk about anonymity, I think that there needs to be some continuity there and and looking at what the consistency is where that starts and where that ends.

641

01:29:11.190 --> 01:29:15.150

Rasham Nassar: i'm going to go back to uw mayor, it is 730 and we're scheduled to adjourn at eight.

642

01:29:16.890 --> 01:29:26.190

Rasham Nassar: We haven't moved very far and our agenda, so I wanted to maybe we can take a just a little pause here and reassess.

643

01:29:28.140 --> 01:29:36.570

Rasham Nassar: and discuss because we're not I don't think we're going to make it through the rest of our agenda here it's really ambitious at this point I don't know if there's an appetite to just run past eight.

644

01:29:37.860 --> 01:29:40.980

Rasham Nassar: majority can certainly agree to do that.

645

01:29:42.210 --> 01:29:54.060

Rasham Nassar: If we should try and move quickly throughout the rest and just agree to pick up this conversation at a future date i'd separate certainly support meeting again for another two hour block of time and continuing to work this along.

646

01:29:55.140 --> 01:30:00.420

Rasham Nassar: That kind of piecemeal process worked well, the last time we were making changes revisions to the ethics programming.

647

01:30:02.490 --> 01:30:06.660

Rasham Nassar: just throwing it out there does anyone have any burning thoughts or feelings about that.

648

01:30:08.340 --> 01:30:09.570

Rasham Nassar: w air yeah.

649

01:30:09.600 --> 01:30:18.480

Kirsten Hytopoulos: No, I think we're good we're going to have to do that and going to tony's point eight you know this is such a beat to say it's an imperfect program is.

650

01:30:18.990 --> 01:30:26.940

Kirsten Hytopoulos: Such an understatement it's going to have to keep evolving and and there are a lot of inconsistency is particularly with regard to anonymity or confidentiality.

651

01:30:27.210 --> 01:30:38.670

Kirsten Hytopoulos: And we've got the pma and I think I think Council was trying to do as much as I could to not, at least not promote not snap published out there on you know the ethics board website and.

652

01:30:39.030 --> 01:30:46.530

Kirsten Hytopoulos: In project, the it out there, but good point I mean it's in the agenda, so I yes mayor, I hope that we'll have future.

653

01:30:47.550 --> 01:30:57.810

Kirsten Hytopoulos: meetings and will i'm sure come up with more ideas between now and then I would love us to at least dispose of this item we're talking about right now, and maybe potentially we can bite off at least one more.

654

01:31:00.120 --> 01:31:04.920

Rasham Nassar: Okay does counselor cars, you want to comment on my on the time check thing I could go ahead.

655

01:31:05.280 --> 01:31:18.540

Christy Carr: I do thank you, I i'd like to get through the epic sports report and this evening and make sure that we have that conversation, while we have them here, and then I wouldn't mind.

656

01:31:19.110 --> 01:31:30.000

Christy Carr: Pushing our second agenda item in its entirety to another meeting, particularly because councilmember deets had several motions in that packet and he has left us.

657

01:31:31.050 --> 01:31:34.170

Christy Carr: So that would just be my preference for timing.

658

01:31:35.490 --> 01:31:44.670

Rasham Nassar: Okay agreed yeah we are, we are down to Council members tonight, so I think that would be fair to hold that debate until all Council members could be President as well city attorney.

659

01:31:45.510 --> 01:31:53.130

Joe Levan: To the point about on the anonymous issue, going back to kind of where you all started with the Deputy Mayor talking about.

660

01:31:54.150 --> 01:32:04.350

Joe Levan: court proceedings and what what court rules provide in that regard I think that's a good model potentially that I could look to, and I could bring a recommendation back to the Council.

661

01:32:05.580 --> 01:32:12.960

Joe Levan: that's something we've done other context with the ethics program obviously that's not the ethics program is in and of itself it's not State law.

662

01:32:13.440 --> 01:32:25.560

Joe Levan: But, but there are we can look to other provisions in in court rules and State law to try to help clarify what the program is meant to apply to and that's probably a good it that'd be more applicable than the than the.

663

01:32:26.730 --> 01:32:30.900

Joe Levan: You know the code enforcement situation or complaints against neighbors kind of situation, I agree with that.

664

01:32:33.180 --> 01:32:33.870

Joe Levan: I like and we're gonna.

665

01:32:34.470 --> 01:32:37.740

Rasham Nassar: So that's proposed direction to move us along city attorney yeah.

666

01:32:38.010 --> 01:32:40.080

Joe Levan: i'm gonna come back with a recommendation.

667

01:32:40.140 --> 01:32:43.230

Joe Levan: Related to court rules great another.

668

01:32:43.470 --> 01:32:46.620

Rasham Nassar: check on a box Okay, here we.

669

01:32:46.650 --> 01:32:56.910

Tyler Weaver: Go what's next OK so i'll go through the two items that I think we want to make sure we try to get through tonight i've got I think they'll actually complete the report but.

670

01:32:58.320 --> 01:33:17.310

Tyler Weaver: First is the ethics board would like to ask that our meetings be recorded, so that they, there is a record of them public and we can refer to, and that the public can refer to, and if the Council wants to they can refer to them and see what we've discussed in the past.

671

01:33:19.110 --> 01:33:28.140

Tyler Weaver: there's their you know their we've had questions about what we did at meetings and I've had to go and tell them, I think it, I think you can find a copy of it here on this facebook's website.

672

01:33:29.580 --> 01:33:34.620

Tyler Weaver: It would, I think it would, I think it would be good to have a public record of what we did.

673

01:33:36.750 --> 01:33:38.700

Tyler Weaver: The second point has to do with our proposed training.

674

01:33:38.700 --> 01:33:50.070

Tyler Weaver: program and as part of the program what we are required to do and charged with doing is train not only the City Council at account as a Council meeting, but also.

675

01:33:51.420 --> 01:33:56.970

Tyler Weaver: Members of all other organizations and in our report on pages four to four to five.

676

01:33:59.820 --> 01:34:01.380

Tyler Weaver: we've laid out our ideas.

677

01:34:02.820 --> 01:34:15.960

Tyler Weaver: You know, and this was as of a month and a half ago when it looked like a pandemic may not be ending, but I think there's still value and what we propose here is an efficient way to train not only the Council but also.

678

01:34:17.700 --> 01:34:28.080

Tyler Weaver: The other people as well, basically have a training session with the Council, but in addition three zoom seminars for other committees.

679

01:34:29.580 --> 01:34:43.020

Tyler Weaver: and boards, so that we can go over the ethics rules with them as well, and then also have our materials on the website so that new Members can access them new members of committees or Councils could could access them.

680

01:34:44.550 --> 01:34:47.520

Tyler Weaver: You know, instead of us going and having to retrain everybody.

681

01:34:48.540 --> 01:34:49.500

Tyler Weaver: every few months.

682

01:34:52.260 --> 01:34:54.900

Tyler Weaver: There are a few city resources that we would need.

683

01:34:55.950 --> 01:35:01.920

Tyler Weaver: To help us accomplish that if that if the council's you know, on board with what we've proposed.

684

01:35:03.330 --> 01:35:06.570

Tyler Weaver: We need help sending the notices to all the current.

685

01:35:07.620 --> 01:35:09.960

Tyler Weaver: members of the committees and commissions.

686

01:35:12.180 --> 01:35:14.670

Tyler Weaver: We need help scheduling those trainings.

687

01:35:16.800 --> 01:35:19.710

Tyler Weaver: scheduling the session with Council so that we could do that.

688

01:35:21.660 --> 01:35:27.240

Tyler Weaver: and recording the training sessions and posting at least one on the website and then, if the Council wanted.

689

01:35:29.040 --> 01:35:31.920

Tyler Weaver: To track and make sure that the various.

690

01:35:32.940 --> 01:35:35.160

Tyler Weaver: committees and commissions Members had.

691

01:35:37.440 --> 01:35:45.060

Tyler Weaver: received the training some way to track who would actually been at the meetings but I don't know that that's necessary it's not required by the code, but.

692

01:35:47.130 --> 01:35:50.040

Tyler Weaver: that's something that we would like your input on.

693

01:35:51.600 --> 01:36:05.880

Rasham Nassar: So um Thank you sure we can counsel, can we start with the first of the there's two things in the in those requests we just heard the first was to video record and document the ethics board meetings does any Council member disagree with that.

694

01:36:08.190 --> 01:36:15.690

Rasham Nassar: No okay Deputy Mayor, you would like to comment on that Council Ricardo, do you want to comment on that, because your hand was up first on the video recording no.

695

01:36:15.750 --> 01:36:25.620

Christy Carr: No, I would just say that I would support that i'd be open to hearing other from other people as to what the downsides might be, but, in theory, I support that.

696

01:36:26.130 --> 01:36:27.120

Rasham Nassar: w Mary want to comment.

697

01:36:27.270 --> 01:36:36.870

Kirsten Hytopoulos: yeah I definitely support that right now, during coven I just want to point out that we've got different realities and I guess I would let you know will re enter our normal state.

698

01:36:37.260 --> 01:36:44.220

Kirsten Hytopoulos: And I guess i'd want to hear for the administration about that all of our committees will eventually probably maybe it's to be decided.

699

01:36:44.550 --> 01:36:53.460

Kirsten Hytopoulos: But go back to where they're meeting in person, and so I guess that my only point with my question would be is that now versus What would it look like later when we're in person.

700

01:36:53.940 --> 01:36:59.640

Kirsten Hytopoulos: Does that make sense It just seems like worth noting what we're deciding So yes, right now, I think that's a great idea.

701

01:37:00.120 --> 01:37:12.540

Kirsten Hytopoulos: I think that the that the committee's work is the board's work is interesting enough to the public, and so forth, it merits that attention but there, we will be in a different phases some point, and that might be might look different.

702

01:37:14.310 --> 01:37:15.570

Rasham Nassar: Cities right you want to respond to that.

703

01:37:16.440 --> 01:37:27.540

Joe Levan: yeah I think it's something it's important to think about going forward, so I think it's important for the Council to express your opinion, what would you what you what you think's important on this, and why you think it's important.

704

01:37:27.900 --> 01:37:29.190

Joe Levan: And then that can work with Alan to.

705

01:37:29.190 --> 01:37:49.620

Joe Levan: figure out how best to the staff resource of this is unique situation with this particular advisory body, because we have in the past that the deputy city attorney was designated now as a change to designate the deputy city attorney to be legal advisor to the to the board.

706

01:37:50.760 --> 01:37:56.340

Joe Levan: that's one role, but then that's also kind of the default than the person became kind of the staffing person to which is happening right now.

707

01:37:57.030 --> 01:38:05.010

Joe Levan: So it's there's an additional you know administrative burden related to that it's easy enough and zoom zoom times to hit record.

708

01:38:05.670 --> 01:38:10.920

Joe Levan: But it's going to be a whole different story when we have you know, in the Council chambers or other meeting rooms.

709

01:38:11.400 --> 01:38:26.370

Joe Levan: And going to recording that way, so it can be done, but it's a matter of allocating those resources and how best to do that and that's it didn't matter to work with the interim city manager and otherwise, but whatever decision you make about that.

710

01:38:27.480 --> 01:38:36.930

Joe Levan: As as the Deputy Mayor said it's not just about this time now a zoom it's about thinking in the future when we're no longer be doing zoom we're going to be doing in person, and we need to have.

711

01:38:37.470 --> 01:38:44.820

Joe Levan: Someone there that can staff that and can and can then manage that, because it takes staff staff to do that and resources.

712

01:38:46.020 --> 01:38:48.060

Rasham Nassar: city My experience is that.

713

01:38:49.140 --> 01:38:57.150

Rasham Nassar: For example, the utility advisory committee pre coven they the public works director just brought a tape recorder down with mike's that he displayed around the table.

714

01:38:57.780 --> 01:39:10.890

Rasham Nassar: And so all there there's no video recording there but it doesn't seem like it's too cumbersome, or you know there's some staffing time, on the other side, but is that a possibility, I think the island Center scenario planning committee as well utilize the.

715

01:39:11.100 --> 01:39:12.450

Joe Levan: Yes, i'm glad you brought it up.

716

01:39:12.480 --> 01:39:19.200

Joe Levan: Because that's a clarifying Council you talking about audio recording or video recording because it does be different.

717

01:39:20.160 --> 01:39:21.480

Joe Levan: Well, just do.

718

01:39:21.780 --> 01:39:25.260

Rasham Nassar: With consideration to staff limitations on staff resources and time.

719

01:39:26.340 --> 01:39:28.740

Rasham Nassar: If it would be too burdensome to have the video recording.

720

01:39:29.910 --> 01:39:33.570

Rasham Nassar: sounds like that's might be a concern, but always is.

721

01:39:33.840 --> 01:39:34.530

Joe Levan: It was easier.

722

01:39:34.890 --> 01:39:35.730

Rasham Nassar: What do you see here.

723

01:39:37.110 --> 01:39:47.490

Ellen Schroer (she/her): I think sorry, you may also it another complication with video recording as we only have one room in which you can video record and we have an lot of committees that meet.

724

01:39:47.880 --> 01:39:58.380

Ellen Schroer (she/her): And so, establishing the habit of having video recording can be challenging when you have them more than one place that or what more than one committee, and when we are back in City Hall.

725

01:40:00.480 --> 01:40:05.700

Ellen Schroer (she/her): So that it is important to understand whether the audio or the video is what's desired.

726

01:40:06.210 --> 01:40:12.960

Rasham Nassar: yeah, I just wanted to put it out there, that there is an alternative to video and that's audio for consistency moving if we decide to record the zoom meetings.

727

01:40:14.490 --> 01:40:16.020

Rasham Nassar: Sorry, keep you waiting councilmember Schneider.

728

01:40:16.740 --> 01:40:26.760

Leslie Schneider: Well, I this is on this topic, I think that there's some good experimentation that can be done, as we come out of coven into how we can have a better.

729

01:40:27.270 --> 01:40:47.250

Leslie Schneider: remote and in person hybrid in the future, and I just want to say that we've done a fair amount of that experimenting you know in my in my day job and one option for really easy video is just that everybody gets on zoom and you don't have any audio you're not.

730

01:40:48.330 --> 01:40:58.290

Leslie Schneider: Your audio is on mute and your speakers are on mute so that you don't get the feedback, but you have you know one designated place where you're getting the.

731

01:40:59.130 --> 01:41:09.390

Leslie Schneider: The the audio recording and then everybody's face just shows up so, in other words, keep keep the zoom going and everybody's computer is their camera.

732

01:41:10.110 --> 01:41:23.220

Leslie Schneider: So the only thing you have to do is control the audio so it's going to take some experimentation, but i'm looking forward to having the opportunity for these hybrid environments hybrid virtual and in person, and I think we can work it out.

733

01:41:28.830 --> 01:41:30.120

Rasham Nassar: Deputy Mayor had topless.

734

01:41:32.520 --> 01:41:41.580

Kirsten Hytopoulos: So I would propose, so we can move forward, I would propose that we that we asked the administration to have the the board's meetings.

735

01:41:42.240 --> 01:41:49.980

Kirsten Hytopoulos: recorded while we're in zoom and and then we'll just we'll we'll adjust to whatever based on what happens when we go back, I mean.

736

01:41:50.370 --> 01:41:58.500

Kirsten Hytopoulos: When I was on Council before I think I thought, like all of the committee's were audio recorded and I could be wrong, but and minimally auto recording makes sense, but.

737

01:41:59.790 --> 01:42:09.840

Kirsten Hytopoulos: counselor Schneider has all kinds of other ideas, but I say we authorize the video taping the video recording of the meetings now.

738

01:42:11.670 --> 01:42:16.650

Rasham Nassar: I agree, and I think there's general support for that dory support for that here.

739

01:42:20.130 --> 01:42:20.790

Rasham Nassar: city attorney.

740

01:42:22.170 --> 01:42:29.970

Joe Levan: A couple things one whatever you decide to do and again the zoom times we'd want to do for consistency carry it carry that forward so.

741

01:42:30.660 --> 01:42:38.760

Joe Levan: decision now lead to zoom could mean that it's going to entail different process once we get out of zoom with a pandemic.

742

01:42:39.180 --> 01:42:48.870

Joe Levan: The other part of it, I just want to bring this up, I think this has come up in other contexts, it goes kind of to the question of anonymity and the purpose of the program and.

743

01:42:49.920 --> 01:42:54.990

Joe Levan: If you have a situation where either audio or video where people are coming in they're making complaints.

744

01:42:55.440 --> 01:43:01.680

Joe Levan: And they're you know, making allegations against individuals and all that's recorded and then it's on the web.

745

01:43:02.310 --> 01:43:06.330

Joe Levan: You know throughout the throughout time is that something that concerns you at all.

746

01:43:07.200 --> 01:43:19.020

Joe Levan: Or is it something that the trade off is fine, because that the trade off is that you didn't have a recording of what happened in these proceedings and that's a good record to have in the future if Steve need to refer back to that.

747

01:43:23.130 --> 01:43:23.790

Rasham Nassar: w air.

748

01:43:24.510 --> 01:43:27.960

Kirsten Hytopoulos: Sorry for monopolizing i've thought about these things a lot.

749

01:43:28.560 --> 01:43:35.430

Kirsten Hytopoulos: You know it's not perfect, I don't think we have a choice because of the interest and because the transparency and of the Board wants to have.

750

01:43:35.700 --> 01:43:45.990

Kirsten Hytopoulos: To me, the difference is what we're not doing is we're not creating a discoverable by Google search, you know allegations in writing on the ethics boards website, to be frank.

751

01:43:46.350 --> 01:43:54.360

Kirsten Hytopoulos: I mean to me that's what we've drawn the line with the program, at least at this point we're saying we're going to put only thing we're going to put it's going to live on in perpetuity in text.

752

01:43:54.660 --> 01:43:59.700

Kirsten Hytopoulos: on our website as a city, are going to be advisory opinions and the certain things.

753

01:44:00.000 --> 01:44:07.710

Kirsten Hytopoulos: And that is different than, for example, putting every complaint up, no matter how specious and you know all of that and have that be discoverable and definitely on Google.

754

01:44:08.130 --> 01:44:22.500

Kirsten Hytopoulos: So that's you know that at least we don't have that there has to be some level of X and level of effort that someone has to make to go look at a video and watch the video and determine what happened so i'm not perfect, but I think I think the trade off is worth it.

755

01:44:25.980 --> 01:44:32.190

Rasham Nassar: Are we ready to move on from the video record the ethics board meeting discussion.

756

01:44:33.900 --> 01:44:36.810

Rasham Nassar: And then i'm sure we'll probably have to touch in.

757

01:44:38.430 --> 01:44:44.790

Rasham Nassar: If it is event that we returned back to City Hall some point in the near future, or future.

758

01:44:45.330 --> 01:44:50.940

Joe Levan: So as a direction to go to start video recording immediately said to his resume.

759

01:44:51.360 --> 01:44:52.020

Rasham Nassar: I think so.

760

01:44:52.350 --> 01:44:57.570

Joe Levan: And then to going forward what was no longer in zoom to also record all the meetings video.

761

01:44:59.880 --> 01:45:08.250

Rasham Nassar: Whether video recording is possible at the time that we end up in City Hall, I guess, we can address that we can have maybe a quick chat with the Council board members.

762

01:45:08.820 --> 01:45:15.660

Rasham Nassar: To just such an intimate touch in on that in the future, or if it's The case of this that the city or new city manager in our.

763

01:45:16.980 --> 01:45:26.040

Rasham Nassar: Interim city manager feel that we don't have enough resources to accommodate for that or just makes scheduling too complicated and we'll switch to audio agree it sounds like that's where we landed.

764

01:45:31.020 --> 01:45:47.010

Rasham Nassar: Okay, so that's taken care of one more check we're Moving on now, I think we're on page four of your court and we're picking up the second half of the ethics board recommendations here and that relates to training.

765

01:45:48.210 --> 01:45:51.780

Rasham Nassar: So we'll open the floor for comments.

766

01:45:54.330 --> 01:45:55.260

Rasham Nassar: councilmember car.

767

01:45:56.880 --> 01:46:04.620

Christy Carr: I liked the approach that you outlined for training, I thought it sounded great it seemed really valuable and efficient.

768

01:46:05.370 --> 01:46:26.250

Christy Carr: I would ask the interim city manager what sort of because char Weaver said that they need help so that's not going to be me so i'd like to just hear what sort of effort level of effort that is and the timing that in which that might be possible.

769

01:46:27.810 --> 01:46:38.640

Ellen Schroer (she/her): And I think this is a set of meetings that we can support will just need to work to make sure that we can find a time that doesn't overlap with other meetings that are already scheduled for the.

770

01:46:39.030 --> 01:46:45.960

Ellen Schroer (she/her): committee's that we're looking to train and find a time that's convenient for the ethics board, but I think that's something that we can take on.

771

01:46:46.650 --> 01:46:50.700

Ellen Schroer (she/her): um and then in terms of the third one, which was to post.

772

01:46:51.690 --> 01:47:01.650

Ellen Schroer (she/her): One of the trainings on the website I'm sure that we can find a place for that and make that available we've done that, for some other trainings that the city offers, so I don't see any reason why that would be a problem for this one.

773

01:47:04.740 --> 01:47:22.800

Rasham Nassar: Okay, is there is there any objection or anyone wish to comment, provide a new direction to what the sport is proposed here in terms of training, or are we all in agreement, the answer is yes okay great excellent so chair Weaver I will turn it back over to you.

774

01:47:24.780 --> 01:47:29.070

Tyler Weaver: think that actually concludes our report, but did the city manager had her hand up, I think.

775

01:47:30.270 --> 01:47:37.890

Ellen Schroer (she/her): I did, I just wanted to confirm the one sort of hanging item about whether or not you wanted us to try to keep track of who had completed the training.

776

01:47:43.980 --> 01:47:44.580

Rasham Nassar: Deputy Mayor.

777

01:47:46.530 --> 01:47:50.280

Rasham Nassar: Council on our panel Johnson oh wait Deputy Mayor, are you.

778

01:47:50.700 --> 01:47:55.380

Kirsten Hytopoulos: I wanted to bring up something else I thought I thought the city manager just asked a question.

779

01:47:56.490 --> 01:47:59.310

Rasham Nassar: Yes, I don't know who that question was directed towards.

780

01:47:59.400 --> 01:48:02.730

Ellen Schroer (she/her): I guess it was to the body as a whole, because that was one of the.

781

01:48:04.590 --> 01:48:09.870

Ellen Schroer (she/her): items that was sort of associated with the training and I think we understand the request about.

782

01:48:10.170 --> 01:48:21.840

Ellen Schroer (she/her): scheduling it and posting it on the website, but I see the third last item was if desired keeping track of which committee and Commission members have attended or view to training session so I was wanting to know.

783

01:48:22.440 --> 01:48:28.530

Rasham Nassar: Who was in that maybe it maybe that also in, that is, it is a question of whether or not we want to make it mandatory training.

784

01:48:29.790 --> 01:48:33.690

Rasham Nassar: Right why, otherwise we keep track of who's attended.

785

01:48:34.980 --> 01:48:39.930

Rasham Nassar: So that's a question hands raised w mayor, would you like to begin.

786

01:48:41.820 --> 01:48:43.170

Rasham Nassar: I don't know what that you.

787

01:48:44.010 --> 01:48:49.920

Kirsten Hytopoulos: Okay i'll take that first, before I say The other thing I think that the easiest thing for everybody for staff and the Board is to have.

788

01:48:50.400 --> 01:48:58.050

Kirsten Hytopoulos: Have members of committees sign something saying that they've done it and it's an honor system, of course, I mean, and so I think we do require it, and.

789

01:48:58.530 --> 01:49:05.250

Kirsten Hytopoulos: We asked them by a certain point of the year after they've been on board for a while that they sign something saying they reviewed it that's what I would suggest.

790

01:49:06.450 --> 01:49:13.680

Kirsten Hytopoulos: with you how to throw out there is that before we before we adjourn if there is up, there are few minutes while we have the board here.

791

01:49:14.040 --> 01:49:21.990

Kirsten Hytopoulos: I wouldn't mind hearing from them on the couple of items that we didn't quite get to that that will probably take up as counsel about complaints about.

792

01:49:22.470 --> 01:49:37.320

Kirsten Hytopoulos: departing Council members complaints bright years later, and then the manner of notice to respond it's just if any of them felt like a burning desire to speak to those before we before we adjourn i'd like to hear those so that they would inform our future conversations.

793

01:49:39.000 --> 01:49:42.990

Rasham Nassar: Okay that's great to be married hold that thought we'll circle back to that once we finish this debate.

794

01:49:44.070 --> 01:49:45.300

Rasham Nassar: accounts on our pantry Johnson.

795

01:49:48.000 --> 01:49:56.100

Brenda Fantroy-Johnson: yeah, I just wanted to speak to the whether or not we're going to track these, and I agree that I think it should be tracked, I just wanted to.

796

01:49:57.570 --> 01:50:12.180

Brenda Fantroy-Johnson: You know, it makes sense to have people sign it, because that's the way that you can say that somebody comply and that's just a natural thing to do and it's really part of the process we really shouldn't be training people with we're not going to track that they were trained.

797

01:50:15.060 --> 01:50:15.540

Rasham Nassar: David.

798

01:50:17.340 --> 01:50:19.740

David Mallon: yeah and actually to some degree.

799

01:50:22.620 --> 01:50:32.610

David Mallon: The previous comments were pretty much the same thing I was gonna say was one, I think the honor system makes a lot of sense here and to I was going to call out, yes, we should come back to those other other items before we before we end.

800

01:50:36.390 --> 01:50:37.170

Rasham Nassar: Council number card.

801

01:50:39.180 --> 01:50:45.810

Christy Carr: doesn't the city already track opm a training so is that a system that's in place that would be useful for this.

802

01:50:46.620 --> 01:50:53.910

Ellen Schroer (she/her): we're committed missions thinking about that and also conflict of interest, so there are some items that we track for each domain number.

803

01:50:54.450 --> 01:50:59.910

Joe Levan: mm hmm we do have ways to certify that because it before Robbie left he did Chris and.

804

01:50:59.910 --> 01:51:01.470

Joe Levan: videos for trained on the.

805

01:51:01.590 --> 01:51:07.980

Joe Levan: piano pma and we do have ways to have the people watch those videos and certify that they watched him.

806

01:51:11.700 --> 01:51:12.090

Rasham Nassar: yeah.

807

01:51:16.110 --> 01:51:21.690

Jim Cash: I just, I just wanted to reiterate the same thing that everyone said, I think you know he.

808

01:51:23.100 --> 01:51:33.390

Jim Cash: certifying that you've taken it, you know, is something that should be required because it indicates that the council's and the city's commitment to the ethics Program.

809

01:51:34.920 --> 01:51:36.990

Jim Cash: Otherwise, you know why bother.

810

01:51:38.610 --> 01:51:47.820

Jim Cash: You know if you don't have to certify you taking the training then there's really no point in taking the training, if the Council isn't committed to giving the training and having an ethics Program.

811

01:51:51.420 --> 01:51:53.310

Rasham Nassar: Okay, so I think we've wrapped that one up to.

812

01:51:55.680 --> 01:51:57.390

Rasham Nassar: Six city staff has the direction they need.

813

01:51:58.950 --> 01:52:11.160

Rasham Nassar: Great okay um and then Deputy Mayor wanted to run through and grab some of the ethics boards thoughts opinions on the remainder items it's 750 did you want to.

814

01:52:11.970 --> 01:52:16.710

Rasham Nassar: You want to just pick one and start there, do you want to hear from the ethics chair, which one.

815

01:52:17.790 --> 01:52:18.360

Rasham Nassar: or.

816

01:52:19.440 --> 01:52:26.880

Kirsten Hytopoulos: I figured it's like a open stage for anyone who's got burning comments on any of those three things.

817

01:52:27.360 --> 01:52:30.360

Rasham Nassar: Excellent sounds great David we'll start with you.

818

01:52:31.590 --> 01:52:47.070

David Mallon: yeah i'll go really fast, I think the the to the departing Council members and the time limit, I think, are both similar that the Council just needs to weigh in on them decide what what makes sense and just be very clear about it and that's that as long as there's real clarity around.

819

01:52:48.300 --> 01:52:54.480

David Mallon: You know statute of limitations, essentially for either people who are leaving or down the road that I think we're good right.

820

01:52:55.020 --> 01:53:10.050

David Mallon: The only one, I would say that I feel a little more strongly about is the manner of of notice, even though we are in a digital world and it's really easy to send an email I think i've as I reflected on being one of the i've had to send a couple of those emails.

821

01:53:11.460 --> 01:53:26.220

David Mallon: It seems like it's something that we should still you know, send a postcard or some some other kind of formal notice, besides just dropping an email and that's just going to require the city to put the resources up to be able to make that notice happen.

822

01:53:29.100 --> 01:53:30.360

Rasham Nassar: um go ahead, Jeremy but.

823

01:53:32.850 --> 01:53:34.470

Tyler Weaver: I just wanted to comment on the.

824

01:53:36.540 --> 01:53:48.480

Tyler Weaver: wall to see things David did so on the on the issue, I think, from a sports perspective, it would be nice to have clear guidance on those issues, I think.

825

01:53:49.650 --> 01:53:51.360

Tyler Weaver: I think the other concern is that.

826

01:53:53.760 --> 01:53:57.570

Tyler Weaver: By having something that's so dated and also something where.

827

01:53:58.680 --> 01:54:01.740

Tyler Weaver: we're seeing an opinion after someone's gone, I think the concern is that.

828

01:54:03.270 --> 01:54:05.850

Tyler Weaver: In some ways it's kind of like what what's the point.

829

01:54:09.540 --> 01:54:12.270

Tyler Weaver: On the other hand, with regard to departing Council members.

830

01:54:15.840 --> 01:54:26.460

Tyler Weaver: I be concerned i'm also i'd also be concerned that someone was resigning just to avoid us, you know reaching an ethics complaint, so I don't know that there's a clear issue.

831

01:54:28.320 --> 01:54:39.480

Tyler Weaver: quarter opinion that I have as to what should be done, but it would be, it would just help us to have guidance in the future that's clear for the Council on the issue of the manner of notice.

832

01:54:41.340 --> 01:54:45.540

Tyler Weaver: I guess that was one issue in the report that I didn't we didn't get to earlier but.

833

01:54:49.680 --> 01:54:51.540

Tyler Weaver: I have found the emails working fine.

834

01:54:52.800 --> 01:55:04.380

Tyler Weaver: I when someone had when there's a complaint i've been asking them to please respond that they have it, they receive it if they haven't received it, if I don't get a notice which i've gotten i've gotten pretty quick notices back.

835

01:55:06.720 --> 01:55:08.580

Tyler Weaver: A plan is to follow up with them.

836

01:55:10.260 --> 01:55:19.770

Tyler Weaver: and potentially in other ways as well if we don't get it, but I think, at least for now emails working fine and that's email, obviously, to the.

837

01:55:20.910 --> 01:55:24.750

Tyler Weaver: To the Council member or committee members city email.

838

01:55:27.420 --> 01:55:27.960

Rasham Nassar: Going yeah.

839

01:55:30.150 --> 01:55:36.450

Dona Keating: I just wanted to get some quick feedback, since it was requested a matter of notice, I mean I followed the warden.

840

01:55:36.840 --> 01:55:46.470

Dona Keating: city council for many years, and my understanding is that there was only one occasion and old and years that it was ever an issue, so I tend to err on the side of it ain't broke don't fix it.

841

01:55:47.220 --> 01:55:52.890

Dona Keating: If something happens where someone doesn't really get an email and it's really problematic that I think you can always go back.

842

01:55:53.190 --> 01:56:00.570

Dona Keating: Because this is kind of a living and breathing process, you can change it, but for now I concur with Tyler he said it seems to work fine.

843

01:56:01.290 --> 01:56:09.450

Dona Keating: With respect to department Council members, I think one of the reasons why I raised it as an issue is obviously because.

844

01:56:09.930 --> 01:56:17.250

Dona Keating: You know, we had complaints in the past, where the hearing examiner came back and said there's no there's no recourse here so there's no point in doing this.

845

01:56:17.520 --> 01:56:26.340

Dona Keating: But on the other hand, it's also I mean if you're really talking about education and that person's gone, I mean who are you really trying to educate, or are you really trying to punish this person.

846

01:56:26.640 --> 01:56:33.690

Dona Keating: and come back and do something that's uncomfortable for them public so you kind of really have to look at the intent of the motive, or whatever.

847

01:56:33.870 --> 01:56:45.060

Dona Keating: But I my personal opinion is that if they're gone, you know, unless it's something really egregious that becomes an opportunity to the public and Council to look at that if they're gone and you should let it go.

848

01:56:45.780 --> 01:56:55.500

Dona Keating: The other thing is very similar to filing years after an allegation, not only does it make due diligence and and COMP confirming information or difficult, but again I mean.

849

01:56:56.040 --> 01:57:00.450

Dona Keating: There was a statute of limitations in the regular legal system, I don't think that we should be.

850

01:57:00.930 --> 01:57:15.210

Dona Keating: Trying to piece things together 234 years after something allegedly occurred, and if you really are interested in education than the time is of the essence do it when it's when it's when when the iron is, you know as hot so.

851

01:57:16.260 --> 01:57:18.990

Dona Keating: Those are my three opinions there.

852

01:57:23.100 --> 01:57:25.230

Rasham Nassar: i'm councilmember camera Johnson.

853

01:57:26.310 --> 01:57:31.080

Brenda Fantroy-Johnson: i'm as far as the notice to respondents I think that if.

854

01:57:32.430 --> 01:57:45.240

Brenda Fantroy-Johnson: There isn't a process in place, you know, the only processes to send one email, I think it, you know you mentioned due diligence, I think there should be a process of maybe three miles, or you know, two emails and a phone call there.

855

01:57:45.780 --> 01:58:02.160

Brenda Fantroy-Johnson: You know you have to you can't just get one email, I think that that's you know that's not doing enough due diligence, I think there should be a specific number of things to be done, and then you can say well in our process we've done all that and that's it.

856

01:58:05.970 --> 01:58:07.200

Rasham Nassar: And chair Weaver go ahead.

857

01:58:07.530 --> 01:58:14.040

Tyler Weaver: I just want to clarify least in the emails I have said, I always asked for someone to confirm that they have received it.

858

01:58:16.110 --> 01:58:25.440

Tyler Weaver: I don't know that there's I think there's nothing, specifically in our operating rules at present, as far as whether there would be additional notice but.

859

01:58:27.540 --> 01:58:40.680

Tyler Weaver: That certainly is my plan practice if I don't hear from somebody within a week i'm going to write them again and say, and you know, make it to the point of a phone call if I continue to not hear from somebody confirming that they received it.

860

01:58:42.210 --> 01:58:50.550

Brenda Fantroy-Johnson: And you know, responding to it that's great if that's the process, it needs to be put into a document that that's the process.

861

01:58:53.010 --> 01:58:53.790

Rasham Nassar: cancel that regard.

862

01:58:55.440 --> 01:58:59.850

Christy Carr: yeah thanks I just wanted to follow up on doing his comments which i'm more alyssa agree with.

863

01:59:01.410 --> 01:59:14.160

Christy Carr: But I am curious, because we have talked a lot about that the program is largely for education and so tell me answer the questions about statutes of limitations and departing Council members.

864

01:59:15.570 --> 01:59:27.810

Christy Carr: i'm curious about who are we educating if it's the if it's the person, against which the complaint is filed and they're gone or then, then it kind of seems like.

865

01:59:28.560 --> 01:59:38.460

Christy Carr: they're gone, but if we're educating other committee members or other Council members or the public in general, and it seems like there still may be value in coming to some sort of the conclusion.

866

01:59:39.030 --> 01:59:43.140

Christy Carr: On on the complaint so i'm kind of balancing those in terms of.

867

01:59:43.770 --> 01:59:59.490

Christy Carr: of thinking about specifically departing Council members and to a lesser degree the limitations, but if you had any kind of general quick thoughts about who are our general audiences for our educational program here i'd love to hear from you guys.

868

02:00:04.620 --> 02:00:13.950

Rasham Nassar: i'd like i'd like to speak to that i'm going to go to councilmember Schneider first and then and then i'll add like a chance to weigh in on that matter so councilmember Schneider.

869

02:00:15.990 --> 02:00:17.100

Leslie Schneider: Thank you um.

870

02:00:18.780 --> 02:00:19.260

Leslie Schneider: I guess.

871

02:00:20.460 --> 02:00:21.630

Leslie Schneider: I would agree.

872

02:00:22.770 --> 02:00:24.300

Leslie Schneider: That if.

873

02:00:25.350 --> 02:00:32.190

Leslie Schneider: If there is some huge educational need that is not being met, because a Council member has departed.

874

02:00:32.520 --> 02:00:47.190

Leslie Schneider: Then, maybe there's just a separate path that goes through the city attorney right because the city attorney is the one who sort of holds us accountable advises us is protecting the the entity and um.

875

02:00:48.390 --> 02:01:08.580

Leslie Schneider: And so, if there is more of an egregious result that doesn't really apply to a current Council member, maybe that just sort of gets taken in house by by the city attorney so that the learnings are not lost and and given that um I don't know what that means for the.

876

02:01:10.050 --> 02:01:17.100

Leslie Schneider: I guess the ethics board would sort of raise the issue and say look we'd like to you know send an opinion.

877

02:01:18.180 --> 02:01:27.960

Leslie Schneider: To the the Attorney the city attorney so I don't know that that's not very clear, but in general I, I would say, I would agree that.

878

02:01:29.040 --> 02:01:33.900

Leslie Schneider: When someone's gone it's it's not applicable anymore unless there's some deep need to.

879

02:01:36.060 --> 02:01:37.320

Leslie Schneider: Make sure it doesn't happen again.

880

02:01:40.080 --> 02:01:47.040

Rasham Nassar: So, if I may i'm sure share some comments on the point that councilmember car race and.

881

02:01:48.060 --> 02:01:54.300

Rasham Nassar: The first with regard to the Statute limitations, I absolutely agree there should be one I think it's just a matter of how long.

882

02:01:55.680 --> 02:02:03.270

Rasham Nassar: You might think of those differently for Article one, and Article to maybe a year for Article one, or even shorter, since it relates to matters of conduct.

883

02:02:03.870 --> 02:02:10.740

Rasham Nassar: And I think those should be handled, because the one of the options is to submit those for mediated process.

884

02:02:11.370 --> 02:02:16.530

Rasham Nassar: It doesn't make sense to have to allow someone to file something, a year after an incident happened.

885

02:02:16.860 --> 02:02:23.700

Rasham Nassar: More or less and then for some remediation process I just don't it doesn't like conceptually makes sense to me, but others might disagree.

886

02:02:24.120 --> 02:02:31.140

Rasham Nassar: And then the article to maybe more consistent with State law statute limitations for conflict of interest complaints, my understanding is that's two years.

887

02:02:31.560 --> 02:02:42.300

Rasham Nassar: So maybe we just mirror that I don't know if that's already in the program or not, but I think putting a cap on periods that complainants can file against Council members or anyone should definitely be.

888

02:02:43.410 --> 02:02:44.550

Rasham Nassar: articulated in the Program.

889

02:02:45.870 --> 02:02:53.790

Rasham Nassar: I have a difference of opinion on the complaints filed against departing Council members and Council members that have departed.

890

02:02:54.300 --> 02:03:12.240

Rasham Nassar: And, to the question of who are these opinions being rendered for my answer would be everyone for the benefit of all Council members present and future for the benefit of the public, for the benefit of committee members similar to how law is made.

891

02:03:13.260 --> 02:03:23.820

Rasham Nassar: You have a law that's just plain plain language, it can be interpreted in a multitude of ways, and the way that it's interpreted and applied is through certain factual scenarios.

892

02:03:24.270 --> 02:03:36.390

Rasham Nassar: And then there's an opinion rendered on those certain factual scenarios that provides an interpretation of how, in this case the program is ought to be applied, what is ethical conduct what is on ethical conduct.

893

02:03:38.010 --> 02:03:44.910

Rasham Nassar: I hope as well, and I think this is the case that some of your opinions and your and your productions.

894

02:03:46.680 --> 02:03:47.970

Rasham Nassar: Threshold determinations.

895

02:03:49.350 --> 02:03:57.180

Rasham Nassar: provide some of that guidance, so that Council members can refer to what I hope we continue to create as a as a.

896

02:03:58.590 --> 02:04:09.570

Rasham Nassar: kind of a library of rendered opinions and determinations that can be referred to by Council members not present but also future.

897

02:04:11.310 --> 02:04:19.650

Rasham Nassar: So that we can answer the question, what is the kind of conduct that our board feels is appropriate, is consistent with our core values are consistent with Article to and what is not.

898

02:04:20.850 --> 02:04:27.210

Rasham Nassar: I think it's about I think it's really invaluable to the Community to to promote that and to maintain that.

899

02:04:28.620 --> 02:04:41.550

Rasham Nassar: kind of file, if you will, I also am aware that a lot of courts in being asked the same question well what if a public works directors resigned or resigning and a complaint been filed.

900

02:04:42.480 --> 02:04:46.740

Rasham Nassar: The Court answers that question what they do is they apply a three part muteness factor test.

901

02:04:47.070 --> 02:05:01.620

Rasham Nassar: And really it's a test in which the core asks itself is there an educational value or benefit and rendering and opinion on these set of circumstances will it help to build a body of case law that can serve to educate the public.

902

02:05:02.280 --> 02:05:15.840

Rasham Nassar: And from reading and reviewing case law, the answer is most often yes, that they do hear complaints against officials and members of staff, in some cases, who have or resigned or who are in the process of resigning.

903

02:05:17.160 --> 02:05:24.300

Rasham Nassar: And as we pick up this conversation in the future i'd be happy to provide some of those resources to you, so you can review and see.

904

02:05:24.900 --> 02:05:39.570

Rasham Nassar: How this exact question is handled in our court system since there's a lot of overlap here between how we'd like to structure ethics program modeled after how we have the judicial processes handled in our state So those are just my thoughts.

905

02:05:45.840 --> 02:05:47.100

Rasham Nassar: chair Weaver your next.

906

02:05:47.760 --> 02:05:49.290

Tyler Weaver: yeah so um.

907

02:05:51.300 --> 02:06:05.010

Tyler Weaver: I would love to think that our beautiful work at the Board has been viewed by people, but because the things are not published on the website, I think, unless somebody follows a public records request.

908

02:06:06.480 --> 02:06:07.470

Tyler Weaver: nobody's seeing it.

909

02:06:10.020 --> 02:06:15.510

Tyler Weaver: i've authored a few of the opinions and I think that we have done a pretty good job and making it clear.

910

02:06:16.800 --> 02:06:25.560

Tyler Weaver: And a couple of cases have commented on what could have been done, even when there wasn't a violation to have avoided the situation that came up but.

911

02:06:27.420 --> 02:06:34.860

Tyler Weaver: I don't know that anybody, other than the complaint in the respondent is actually getting those unless they're coming to the meetings and seeing our draft opinions in the agenda.

912

02:06:35.910 --> 02:06:36.570

Tyler Weaver: So.

913

02:06:38.040 --> 02:06:47.580

Tyler Weaver: You know, I just wanted to add that I mean who's the educational for who's the education for right now it's basically for the person who filed it and the person who had to respond to it.

914

02:06:48.990 --> 02:06:54.450

Rasham Nassar: Well, you know that is a good point, but they are publishing the draft agenda, so they actually do exist.

915

02:06:54.810 --> 02:06:58.260

Tyler Weaver: on the record, we don't Yes, they definitely do exist, yes.

916

02:07:00.120 --> 02:07:01.260

Rasham Nassar: I don't yeah.

917

02:07:08.940 --> 02:07:10.920

Dona Keating: I think the Deputy Mayor his hand was up first.

918

02:07:11.760 --> 02:07:13.950

Rasham Nassar: I have your name at the top of my list.

919

02:07:14.040 --> 02:07:23.370

Dona Keating: Okay well good i'll tell them, I wanted to say two things, the first thing was in response to counsel them with Andrew Johnson, I took a quick look at the.

920

02:07:24.030 --> 02:07:35.850

Dona Keating: Rules and it does say that we give sufficient notice for responded to but it doesn't say you know once versus twice versus whatever and I think that clarification, would be a good idea, so I concur with you on that.

921

02:07:36.390 --> 02:07:45.240

Dona Keating: The second thing I wanted to say is i'm pretty familiar with the case law about this, what we're talking about in terms of when someone to cards and because it is educational.

922

02:07:45.810 --> 02:07:49.920

Dona Keating: And because this has one of those it's on the agenda but it's not being closed, etc.

923

02:07:50.310 --> 02:07:56.550

Dona Keating: And because we don't have the flip side of that in terms of the ability to say this is frivolous and less you know dismiss it.

924

02:07:56.970 --> 02:08:04.980

Dona Keating: I think that when you are looking at something that is filed when someone's gone, the best thing to do at that point my opinion would be to have an advisory opinion.

925

02:08:05.430 --> 02:08:09.240

Dona Keating: And then that way you actually address the educational component without.

926

02:08:09.660 --> 02:08:19.620

Dona Keating: You know, following someone who's already out the door, you know and, of course, someone else mentioned that someone might resigned to to avoid that well I think that's kind of a case by case situation but.

927

02:08:20.340 --> 02:08:32.160

Dona Keating: In general I think we're talking about something else, where someone's long gone or whatever, and then there's a complaint and then, of course, you know what ends up in the media and it becomes a totally different thing and I don't think that that's what any of us is here.

928

02:08:35.160 --> 02:08:50.430

Rasham Nassar: um I think I heard you, I want to pick something up that you said just to bring it forward dhoni and that was that maybe the board can issue an advisory opinion but not name the person against to whom it that complaint, but initially filed if they are departing or have departed.

929

02:08:51.120 --> 02:09:03.480

Dona Keating: Right and then you still get that education out there, like you were saying so that anyone looking at it going forward will say hey, this is the way you should behave, and this is, you know, this is, this is the caveat or whatever it is that the opinion addresses.

930

02:09:04.860 --> 02:09:06.090

Rasham Nassar: Deputy Mayor had topless.

931

02:09:07.830 --> 02:09:16.440

Kirsten Hytopoulos: yeah I really liked that I was just about raising my hand to say, I see a big difference between somebody departing and somebody departed and fortunately we're not bound by.

932

02:09:16.770 --> 02:09:26.400

Kirsten Hytopoulos: by law and procedure in this is our creation we can do what we want, with it, and I want a program that doesn't dissuade people from running for Council because they're going to be chased for the rest of their life.

933

02:09:27.270 --> 02:09:33.960

Kirsten Hytopoulos: By by complaint, so I think that's a wonderful solution, I just want to acknowledge to real quickly what Tyler said about.

934

02:09:34.650 --> 02:09:43.860

Kirsten Hytopoulos: You know, we really is weird that we have like some things out there in the public and then we don't have like say the opinions that are being written that are not or the findings that are not.

935

02:09:44.370 --> 02:09:50.820

Kirsten Hytopoulos: I actually just recently saw your findings that then led to a mediation only because someone else had asked for it and I asked for it.

936

02:09:51.750 --> 02:10:03.360

Kirsten Hytopoulos: And so I just want to say, for me, my mind is open going forward to changing things, so I hope that you guys will just think about how should we change that we were trying so hard to protect.

937

02:10:04.110 --> 02:10:18.450

Kirsten Hytopoulos: identities against you know spurious accusations, but then, things are still out there in your in your agendas, but then you may be good to have the whole story out there for everybody, so all I want to say is I pray to make any sense but.

938

02:10:18.900 --> 02:10:30.480

Kirsten Hytopoulos: This this thing is not done, it has to evolve and that's why again, I think we should have other meetings in the future, and I hope that if you guys have ideas about how we could change it so we're balancing those.

939

02:10:30.840 --> 02:10:38.880

Kirsten Hytopoulos: needs to have the whole story out there, what needs to be out there, but also protecting people from harassment we're all ears speaking for myself.

940

02:10:40.800 --> 02:10:42.120

Rasham Nassar: A counselor Patrick Johnson.

941

02:10:43.050 --> 02:10:47.280

Brenda Fantroy-Johnson: yeah I agree with that and I also would would like the.

942

02:10:48.420 --> 02:10:59.940

Brenda Fantroy-Johnson: The information that you know I don't want you guys out there just creating stuff and we don't we don't get to see it, you know, because then i'm not being educated on what I should be doing what I shouldn't be doing.

943

02:11:00.420 --> 02:11:13.830

Brenda Fantroy-Johnson: And I know we talked in the beginning about communication and if there is some kind of way to communicate to us some of your findings after they've been rendered that you know those findings might help us.

944

02:11:14.550 --> 02:11:32.670

Brenda Fantroy-Johnson: In our behavior I don't want all your beautiful work going just out in the ether or wherever you store in it, because I think it is beneficial and the education would would do me a lot of good, so I don't know how we do that, but we definitely need to look at that.

945

02:11:34.170 --> 02:11:34.830

Rasham Nassar: Care Weaver.

946

02:11:35.400 --> 02:11:36.960

Tyler Weaver: yeah I was just gonna say that.

947

02:11:38.880 --> 02:11:53.910

Tyler Weaver: are most recent opinion that we issued as an advisory opinion it's going to end up on the website and we actually included a copy of the complaint, but redacted all the names of people who were you know.

948

02:11:55.380 --> 02:11:56.970

Tyler Weaver: directly affected by the complaint.

949

02:11:58.260 --> 02:12:14.340

Tyler Weaver: Potentially we could do that with all our opinions, so that they aren't necessarily going to be, you know easily searched but the guidance would be out there and public is just an idea of a way that we could.

950

02:12:16.170 --> 02:12:20.430

Tyler Weaver: kind of do both protecting people but also educating people.

951

02:12:22.470 --> 02:12:38.790

Brenda Fantroy-Johnson: Can I respond to that yeah I wasn't thinking about putting it on the website, I meant as communicating it to us as a body, so that we can learn I don't I don't know if we want to put it on the website so that it can be searchable and you know in that kind of thing.

952

02:12:39.870 --> 02:12:42.330

Brenda Fantroy-Johnson: I don't I don't know if that would be beneficial.

953

02:12:44.100 --> 02:12:44.670

Rasham Nassar: I don't yeah.

954

02:12:45.330 --> 02:12:48.600

Dona Keating: isn't it possible when we're sending it to the city clerk.

955

02:12:49.800 --> 02:12:53.370

Dona Keating: that there could be just a CC that goes to city council.

956

02:12:56.130 --> 02:13:03.780

Rasham Nassar: If City Council wants that we certainly could add that to the process, but I heard earlier, that there was a concern about.

957

02:13:05.220 --> 02:13:10.110

Rasham Nassar: kind of preservation related to anonymity from the other side and the person being complained about so that wouldn't.

958

02:13:11.070 --> 02:13:18.810

Rasham Nassar: I don't know if that's That was something different, a different context i'm just thinking that maybe we're contradicting ourselves Deputy Mayor that you kind of lead that charge.

959

02:13:20.250 --> 02:13:32.550

Kirsten Hytopoulos: I just think it's I think it's a larger conversation and actually deputy Council member deeds had a couple proposed motions on the subject, so I don't think the conversation is over, on that, but I don't think we can easily answer it.

960

02:13:34.530 --> 02:13:44.370

Rasham Nassar: Okay, so it sounds like we all agree with the educational value, and at least having the board render opinions and maybe there we create some guidelines around.

961

02:13:45.870 --> 02:14:02.340

Rasham Nassar: Protecting the identity of the individual departing or departed I don't know that we're ready to make a decision on that report consensus there So how do folks feel about just adding that to the list of things we should come back to after some careful thought and consideration.

962

02:14:04.050 --> 02:14:12.960

Rasham Nassar: In which case, I think we have we done well to go through the board some recommendations and request for advice here Weaver aside from that item.

963

02:14:14.070 --> 02:14:15.180

Tyler Weaver: Yes, I believe so.

964

02:14:16.410 --> 02:14:16.800

Okay.

965

02:14:18.480 --> 02:14:19.470

Rasham Nassar: All right, well.

966

02:14:20.640 --> 02:14:23.340

Rasham Nassar: Two hours and what seven minutes.

967

02:14:25.500 --> 02:14:29.220

Rasham Nassar: into our meeting we are finally moving on from our first agenda item.

968

02:14:30.840 --> 02:14:36.000

Rasham Nassar: To item to be for you a pending motions to amend ethics board operating rules.

969

02:14:37.470 --> 02:14:48.030

Rasham Nassar: i'm going to put the question out again to see if the if the Council and board members would be okay with postponing discussion of this just moving it to a future meeting.

970

02:14:50.220 --> 02:14:51.990

Rasham Nassar: And we will leave it to myself and.

971

02:14:52.260 --> 02:15:02.580

Rasham Nassar: The manager and Deputy Mayor to schedule that at a future date, and is it the expectation, will we have you all here that the epic sport will be joining us for that again so be another joint special City Council meeting with the ethics board.

972

02:15:03.510 --> 02:15:15.300

Rasham Nassar: The ethics board prefer that okay okay great Okay, so we will now move on to item three, and our agenda for the good of the order interesting to see that on here anyone have anything for going to the order.

973

02:15:18.660 --> 02:15:26.580

Rasham Nassar: Okay, seeing that we are adjourned Thank you so much you all for being here tonight, thanks, members of the public, thank you staff, thank you Council Members see you all soon.

974

02:15:27.840 --> 02:15:28.170

Tyler Weaver: Thank you.

975

02:15:28.440 --> 02:15:29.100

hi everyone.