

MEETING TRANSCRIPT – BAINBRIDGE ISLAND CITY COUNCIL – SPECIAL MEETING – 05/26/2021

1

00:00:36.480 --> 00:00:40.860

Rasham Nassar: Six o'clock i'm going to assume that councilmember car is on her way.

2

00:00:41.940 --> 00:00:45.660

Rasham Nassar: And will be joining us shortly i'm going to go ahead and call this meeting to order.

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00:00:46.860 --> 00:00:51.960

Rasham Nassar: This meeting is a special joint city council and ethics board meeting.

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00:00:53.100 --> 00:00:54.150

Rasham Nassar: The date is.

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00:00:55.290 --> 00:00:57.960

Rasham Nassar: Wednesday may 26 2021.

6

00:00:59.280 --> 00:01:06.300

Rasham Nassar: We have currently six Council members present with us this evening we are expecting councilmember car to join us momentarily.

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00:01:07.500 --> 00:01:20.760

Rasham Nassar: We have all current sitting Members of the ethics board with us this evening, it was suggested by Council member deets that we introduce the ethics board members for the benefit of our new city manager Blair king.

8

00:01:22.740 --> 00:01:27.480

Rasham Nassar: chair Weaver would you like to go ahead and introduce the ethics board members.

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00:01:28.530 --> 00:01:40.200

Tyler Weaver: For my name is Tyler Weaver i'm the Chair of the ethics board, we have the deputy chair David melon here and three other Members doing your keating Karen Anderson and Jim cash role here.

10

00:01:42.600 --> 00:01:42.960

Thank you.

11

00:01:44.010 --> 00:01:44.610

Rasham Nassar: thanks for that.

12

00:01:46.680 --> 00:01:50.820

Rasham Nassar: Our next order of business is approval of the agenda this evening.

13

00:01:52.440 --> 00:01:54.840

Rasham Nassar: Can I have a Council member make that motion, please.

14

00:01:57.420 --> 00:02:01.080

Brenda Fantroy-Johnson: make a motion that we approve the agenda sad.

15

00:02:03.300 --> 00:02:04.080

Rasham Nassar: Council member.

16

00:02:05.970 --> 00:02:09.750

Rasham Nassar: Deputy Mayor had topless got the second for that motion on that motion.

17

00:02:11.010 --> 00:02:13.230

Rasham Nassar: Council members all those in favor please say Aye.

18

00:02:14.400 --> 00:02:14.700

Leslie Schneider: Aye.

19

00:02:15.060 --> 00:02:15.840

Any opposed.

20

00:02:17.130 --> 00:02:23.430

Rasham Nassar: tonight's agenda is approved me animus Lee, are there any conflicts of interest to disclose this evening.

21

00:02:26.190 --> 00:02:33.330

Rasham Nassar: Okay, seeing, then we will move on to item three, which is the bulk of our meeting this evening unfinished business.

22

00:02:33.780 --> 00:02:39.780

Rasham Nassar: And i'll just remind everyone, and for those viewers that might be watching that this is part two.

23

00:02:40.440 --> 00:02:48.870

Rasham Nassar: of our joint City Council ethics board discussions, the first joint City Council ethics board meeting was held march 26.

24

00:02:49.530 --> 00:03:07.860

Rasham Nassar: All of the materials here under unfinished business were on the march march 24 agenda but we ran out of time, so we decided to postpone and reschedule a separate meeting, which is tonight's meeting in order to address the remainder agenda items.

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00:03:10.980 --> 00:03:19.710

Rasham Nassar: Item three a review pending motions to amend ethics board operating rules and if it's Okay, with everyone I think we'll kind of run this one like we did the last one.

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00:03:20.640 --> 00:03:34.560

Rasham Nassar: Where it's more or less informal and conversational the point being that we've all collected here tonight and invited the ethics board to join us and it's that we can hear their specific feedback on the material that's in front of us tonight city attorney would you like to say something.

27

00:03:36.660 --> 00:03:44.790

Joe Levan: Yes, I just wanted to let everyone know what the Council on the export now that we also have the deputy city attorney Andy slaton.

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00:03:45.810 --> 00:04:00.270

Joe Levan: In the audience currently but can be joined as panelists, if necessary, and also the legal advisor to the ethics board Andrew so mean is also in the audience and could be joined us a panelist if you have any questions or any input you like from either of those two individuals.

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00:04:02.970 --> 00:04:05.070

Rasham Nassar: Okay, thanks for that and.

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00:04:06.390 --> 00:04:16.080

Rasham Nassar: So i'm going to go ahead and start by opening the the motions that were made at the October 27 2020 meeting I think that's kind of the focal point for tonight's discussion.

31

00:04:17.070 --> 00:04:21.510

Rasham Nassar: We can start with the ethics board, we can we can tackle them one by one, just go down the list.

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00:04:22.440 --> 00:04:34.710

Rasham Nassar: We can begin by hearing ethics board COP a member comments on those motions Council can have discussion, however, Council feels most comfortable and what what Council might find most efficient in terms of our use of time and having this discussion.

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00:04:35.790 --> 00:04:38.430

Rasham Nassar: Let me know and i'll and i'll do my best to facilitate that.

34

00:04:40.860 --> 00:04:42.180

Rasham Nassar: Deputy Mayor had topless.

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00:04:43.470 --> 00:04:48.090

Kirsten Hytopoulos: yeah, I guess, I just want to make one introduction introductory statement, which was that, just to be.

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00:04:49.710 --> 00:05:00.180

Kirsten Hytopoulos: Sure, so some deference to the board, these are their operating roles and we these were things that we thought would be helpful, I think we heard in the conversation, the meeting that we had where they rose or or we discussed.

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00:05:01.080 --> 00:05:13.740

Kirsten Hytopoulos: From your previous chair that some of these might be helpful, but I just hope that the tone here is not at all that were coming in and trying to change your breeding roles, but I think really looking for discussion, so I think that's important for me to say.

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00:05:16.950 --> 00:05:25.080

Rasham Nassar: yeah I think that's consistent with with my understanding as well, and how we kind of ran the last the last March 24 meeting, so it might be.

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00:05:25.890 --> 00:05:39.390

Rasham Nassar: It might make the most sense for Chair Weaver for you to kind of walk through the motions and i'm i'm just starting with packets it's the first agenda material item that appears in the agenda packet which is motions made at the October 27 2020 meeting.

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00:05:41.070 --> 00:05:47.340

Tyler Weaver: Right, I will say that, generally, I don't know that we necessarily have strong views on these, one way or the other.

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00:05:47.490 --> 00:05:53.640

Tyler Weaver: We can walk I can walk through them and just kind of give you my understanding of why these might potentially be issues.

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00:05:55.230 --> 00:05:59.010

Tyler Weaver: The first motion which was made back in October.

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00:06:01.860 --> 00:06:08.880

Tyler Weaver: is to remove our email addresses from the the website I think that's already been accomplished actually a few months ago.

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00:06:12.180 --> 00:06:20.280

Tyler Weaver: And we do occasionally get emails there they're sent to the Court that are forwarded to us if somebody wants to reach us directly but.

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00:06:22.020 --> 00:06:25.500

Tyler Weaver: don't think we've had any direct emails from the public in general.

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00:06:27.300 --> 00:06:28.200

Tyler Weaver: For quite a while.

47

00:06:31.470 --> 00:06:32.520

Tyler Weaver: The second motion.

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00:06:33.990 --> 00:06:38.790

Tyler Weaver: Regarding the presidents of legal counsel we've had somebody there every every meeting.

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00:06:40.530 --> 00:06:44.730

Tyler Weaver: I guess i'm not opposed to having it in officially in the Minutes, but we definitely have had.

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00:06:45.870 --> 00:06:47.490

Tyler Weaver: legal counsel there for every meeting.

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00:06:49.500 --> 00:06:56.910

Tyler Weaver: The third one, is one that we actually talked about the last meeting, which is whether we should accept any complaint that doesn't provide the name and address of the complainant.

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00:07:00.660 --> 00:07:07.620

Tyler Weaver: This was originally became an issue when we had an attorney who filed a complaint back in.

53

00:07:08.790 --> 00:07:11.160

Tyler Weaver: October November last year.

54

00:07:14.730 --> 00:07:21.630

Tyler Weaver: We process it, even though we didn't know who the actual complainant was we only knew who the Attorney was.

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00:07:24.720 --> 00:07:31.110

Tyler Weaver: The rest of the Board can correct me if i'm wrong, but I think on this one, we just need to know what the Council wants.

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00:07:32.400 --> 00:07:34.980

Tyler Weaver: Our reading of the rules as they currently exist is that.

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00:07:37.290 --> 00:07:45.780

Tyler Weaver: We couldn't dismiss that complaint, just because it was a an anonymous complaint, essentially, there was an attorney involved and for whatever in.

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00:07:47.340 --> 00:07:54.180

Tyler Weaver: After these motions were brought just so everybody knows the context somebody else brought it on their own behalf and filed the same complaint.

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00:07:55.860 --> 00:07:56.760

Tyler Weaver: on their own behalf.

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00:07:58.770 --> 00:08:01.200

Rasham Nassar: Can I can I stop you there for a second sure about I mean to.

61

00:08:01.200 --> 00:08:14.580

Rasham Nassar: interrupt her, but I do think that we had and I correct me if i'm wrong, but I do believe that we, we did we did discuss this particular item at length and we me and, if I remember correctly city attorney.

62

00:08:18.960 --> 00:08:29.550

Rasham Nassar: Strange can you all hear me or is it grappling you can hear me okay i'm some sort of review process or like preliminary review process by the by the city attorney's office.

63

00:08:30.930 --> 00:08:37.620

Rasham Nassar: To review anonymous complaints for legitimacy prior to submitting some sort of caveat there that you introduce.

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00:08:39.960 --> 00:08:45.810

Joe Levan: I think what we talked about was to kind of look at how potentially is handled by the High Court rules.

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00:08:47.310 --> 00:08:52.500

Joe Levan: And I don't have anything specific on you for that for tonight, but I think it's it's really.

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00:08:53.910 --> 00:09:01.920

Joe Levan: just a matter of discretion, for what the Council wants to do because I mean the Court rules could be informative but it's there's no.

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00:09:02.610 --> 00:09:11.610

Joe Levan: One way to do this, so I think again, then the ethics board can correct me if i'm wrong, but the interpretation they had previously was there was a complaint brought.

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00:09:12.030 --> 00:09:18.450

Joe Levan: They they knew was brought by an attorney that's an individual, so they took that as a complaint that they could process.

69

00:09:19.410 --> 00:09:25.470

Joe Levan: This this notion had to do with the actual complaint, you know the person whose brain the complaint themselves.

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00:09:25.950 --> 00:09:39.720

Joe Levan: be identified so that I think that's really regardless of what the Court real estate, something that the, the Council could decide what it wants to do you could certainly require that the person who is bringing a complaint identify themselves.

71

00:09:41.220 --> 00:09:53.010

Joe Levan: And if they're if there's you could have a process if you wanted to to identify if they don't want to identify themselves why that is there's some kind of threat that they see because, for example, we talked last time about.

72

00:09:53.730 --> 00:10:02.730

Joe Levan: In forks in code compliance so code enforcement in our city, there are there is a way for people that are bringing code complaints to.

73

00:10:03.150 --> 00:10:09.060

Joe Levan: identify themselves if they think there's a threat to themselves individually, a personal threat to them their safety.

74

00:10:09.690 --> 00:10:21.960

Joe Levan: or their property by bringing a complaint, they can so identify that situation, so the Council could do something like that that's something we talked about, I think you know the question would be is bringing an ethics complaint.

75

00:10:23.040 --> 00:10:27.180

Joe Levan: seems to be different in kind than potentially a complaint about someone's neighbor.

76

00:10:27.720 --> 00:10:41.850

Joe Levan: about what they're doing but but that's again it's a question for the Council and there's there's no one way to do it there's no right answer again, the Court rules may be interesting, but that they're not going to be determinative on what the Council can do in this situation.

77

00:10:42.750 --> 00:10:44.010

Rasham Nassar: Deputy Mayor had topless.

78

00:10:44.880 --> 00:10:54.570

Kirsten Hytopoulos: yeah I just checked the Minutes from the last meeting to make sure I was right, so we discussed this very thoroughly and there was consensus, it says, right here, there was consensus, the city would not public sorry that's not it.

79

00:10:54.840 --> 00:11:04.440

Kirsten Hytopoulos: would not accept anonymous complaints, except in certain circumstances, and we discussed that they would have to be a real legitimate like safety issue, not just our afraid.

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00:11:05.310 --> 00:11:17.190

Kirsten Hytopoulos: And that city a train live and would would provide recommendations, based on the Court rules, so my recollection is we had really landed on accepting the standards that were set by the Court rules and that we were going to look for language, based on that.

81

00:11:20.220 --> 00:11:21.270

Rasham Nassar: Council member beats.

82

00:11:22.800 --> 00:11:36.150

Joe Deets: yeah Thank you mayor well I have more it's kind of a general question here, and looking at this document as soon as we discussed this take us in October of last year and we put it, I mean all these motions inside the past seven zero so.

83

00:11:36.690 --> 00:11:54.000

Joe Deets: i'm I guess i'm i'm I need to ask the question officially had has counseled basically approved these back in October So are we is, do we need to do make another motion to approve these How does this quite fit as far as a process standpoint.

84

00:11:55.170 --> 00:11:57.960

Joe Deets: Because it appears we've already quoted approve them.

85

00:12:00.780 --> 00:12:01.440

Rasham Nassar: city attorney.

86

00:12:02.940 --> 00:12:13.230

Joe Levan: yeah So the Council is not not not approved them officially yet, because the way that the emotions were status is what's identified in your.

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00:12:13.890 --> 00:12:25.950

Joe Levan: Agenda packet there was language in there that says to amend subject to final Council approval on November 10 and that never happened, so these were initially brought, if you remember.

88

00:12:26.790 --> 00:12:32.460

Joe Levan: councilmember Medina wasn't involved at the time, and because he was stepping down from his position.

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00:12:33.090 --> 00:12:41.610

Joe Levan: He thought would be best to have the Council take this up after he stepped down so that was part of the timing is the Council was going to take this up for.

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00:12:41.970 --> 00:12:45.690

Joe Levan: A final determination on the 10th of November, and then the Council didn't do that.

91

00:12:46.620 --> 00:12:57.120

Joe Levan: So the all of these motions did passed unanimously at the time and October 27 but, but those motions all said, subject to final Council prove on November 10.

92

00:12:57.510 --> 00:13:03.600

Joe Levan: So the Council could tonight, take a be exactly as a written and vote on them and just see if the majority rules or not.

93

00:13:04.230 --> 00:13:13.380

Joe Levan: Or you could amend them or or take whatever other actually want the day that was that was a all of them had that language about subject to approval on November 10 which did not happen.

94

00:13:16.920 --> 00:13:19.050

Rasham Nassar: Okay, so it sounds like that the.

95

00:13:21.300 --> 00:13:35.610

Rasham Nassar: As with regard to the anonymous concern the anonymous filer that we've already provided pretty clear direction, and then we just wait for the city attorney to get back to us with what that kind of process.

96

00:13:36.510 --> 00:13:51.510

Rasham Nassar: might look like at the city and pursuant to what Deputy Mayor had topless stated what she pulled from the Minutes so if it's Okay, I think we can just move on from that one, and I would invite chair Weaver where did you there you are to proceed.

97

00:13:53.610 --> 00:13:58.680

Tyler Weaver: Right well the next motion deals with the same thing about third party, on behalf of the complainant.

98

00:14:02.790 --> 00:14:08.820

Tyler Weaver: The next one has to do with a notice issue that also came up in October, which we have not had any issues with.

99

00:14:10.320 --> 00:14:14.820

Tyler Weaver: Just so everybody knows the background on this, the way we inform people that they have had a.

100

00:14:15.870 --> 00:14:19.320

Tyler Weaver: complaint against them as we file to theirs we send to their city address.

101

00:14:20.370 --> 00:14:33.180

Tyler Weaver: I will say that I recently there was a committee that was unclear if they were still operational, so I also was able to get their personal email addresses from the city council and send it to both their public and the personal email.

102

00:14:34.440 --> 00:14:37.050

Tyler Weaver: Sorry, from the city clerk and.

103

00:14:43.650 --> 00:14:44.310

Tyler Weaver: The.

104

00:14:46.650 --> 00:14:51.360

Tyler Weaver: I always asked her response and I usually get one as I usually have to follow up a couple times.

105

00:14:52.830 --> 00:14:59.850

Tyler Weaver: The issue here was that there have been several issue with this complaint was there have been several emails sent to the.

106

00:15:01.650 --> 00:15:17.280

Tyler Weaver: accounts Council members email address public email address, and we had not received any response and we had a meeting where we didn't have a response we considered the complaint, there was a late response file that we did consider it another meeting.

107

00:15:21.030 --> 00:15:27.060

Tyler Weaver: I guess this motion, I guess, I consider it just a kind of a confirmation of what our practice currently is.

108

00:15:30.300 --> 00:15:38.340

Tyler Weaver: The one concern I might have about it is that it would make it so that if somebody just chooses not to acknowledge that they've gotten something from us.

109

00:15:39.300 --> 00:15:48.270

Tyler Weaver: That potentially creates a never ending loop where we can consider it because we're still trying to get them to acknowledge that they have it, we have not had that situation.

110

00:15:49.440 --> 00:15:51.150

Tyler Weaver: But that's a potential issue with that one.

111

00:15:53.070 --> 00:15:55.620

Tyler Weaver: And then the final motion appears to be.

112

00:15:58.530 --> 00:16:00.420

Tyler Weaver: The same issue that I just discussed.

113

00:16:03.450 --> 00:16:09.780

Tyler Weaver: i'm happy to i'm happy to clarify anything that we you know our current practices of what we're doing if anybody has a question.

114

00:16:10.380 --> 00:16:11.580

councilmember catenary Johnson.

115

00:16:12.690 --> 00:16:17.730

Brenda Fantroy-Johnson: hey thanks for being here, you guys, I want to go back to the emails.

116

00:16:19.080 --> 00:16:33.060

Brenda Fantroy-Johnson: Removing the email addresses off the website is there a email box that you know information can come to without coming to you guys directly, so that if someone wants to send an email to city will get it.

117

00:16:36.150 --> 00:16:36.900

Rasham Nassar: Go ahead here Weaver.

118

00:16:38.070 --> 00:16:45.840

Tyler Weaver: yeah so people have been sending emails that they want to receive to us to the city Cork i'm not i'm actually not sure if that's on the website or not.

119

00:16:46.440 --> 00:16:58.230

Tyler Weaver: And then city Cork has been sending them to all of us if requested by the person writing there's been a few times, where some things have come just to me because I just wanted the Chair to know about it but.

120

00:16:59.460 --> 00:17:04.380

Tyler Weaver: I think there's been three or four emails maybe even more recently that came to all of us.

121

00:17:05.850 --> 00:17:06.660

Tyler Weaver: From the city court.

122

00:17:07.470 --> 00:17:17.010

Rasham Nassar: Is it possible, I don't know city manager city attorney or city clerk to confirm that the emails have been removed from the website, but it's still possible to contact.

123

00:17:18.420 --> 00:17:24.960

Rasham Nassar: Or to for citizens to write in with questions or concerns related to the ethics board through the city clerk.

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00:17:27.300 --> 00:17:27.960

city manager.

125

00:17:29.850 --> 00:17:38.910

Blair King: Yes, we are all respond I, I do not know the status, but it would not be uncommon for example in the city's website.

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00:17:39.330 --> 00:17:50.340

Blair King: Especially on the governance section to list the ethics committee and to have a generic email address to communicate with us there that would be the email address for the city clerk.

127

00:17:51.300 --> 00:18:02.130

Blair King: So it would be under the name of the ethics committee, there would be an email that would go to the city clerk that would not be uncommon for contact us okay.

128

00:18:03.000 --> 00:18:04.620

Blair King: I can follow up on that and see if.

129

00:18:04.620 --> 00:18:05.460

Blair King: that's the case.

130

00:18:07.380 --> 00:18:10.440

Brenda Fantroy-Johnson: I had a second question um.

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00:18:11.760 --> 00:18:18.150

Brenda Fantroy-Johnson: The process loop when you when you send information to the person that the complaint has been brought against.

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00:18:18.660 --> 00:18:29.250

Brenda Fantroy-Johnson: And they don't respond is there somewhere in your operating procedures that says after four times you know, then we just going to consider that as enough.

133

00:18:29.970 --> 00:18:37.320

Brenda Fantroy-Johnson: Communication and we're going to go ahead and continue with the process so that you're not stopped dead in the water and can't do anything.

134

00:18:39.030 --> 00:18:55.350

Tyler Weaver: I don't believe so, but if they're I mean basically we give them we give them until so long to respond, and I think, but if this was if this was going to be amended, I guess, I would recommend that we have something like that in there, that you know, after so many in terms of.

135

00:18:58.350 --> 00:19:00.330

Tyler Weaver: Dean Dean ripe and ready to go.

136

00:19:03.510 --> 00:19:04.950

Rasham Nassar: w mayor had Tablas.

137

00:19:05.610 --> 00:19:10.170

Kirsten Hytopoulos: yeah well, I just want to say I looked at the website and there are no address no addresses for anyone and.

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00:19:11.010 --> 00:19:20.820

Kirsten Hytopoulos: kristina brown the Clerk is listed as a contact um, I just wanted to say, you know I don't know that to be any harm in having maybe a hybrid of this situation where.

139

00:19:21.150 --> 00:19:28.140

Kirsten Hytopoulos: You know if there's X number of attempts there's was i'm trying to stay in here whether we certified mail, what does it say.

140

00:19:28.710 --> 00:19:36.300

Kirsten Hytopoulos: Some sort of mailing so that you just, then I mean you just there's no, you know it satisfies that sort of like standard that's used for other sorts of service.

141

00:19:36.930 --> 00:19:52.230

Kirsten Hytopoulos: And then you could deal with the loop person avoidant person, I guess, but but usually you'd be fine being able to just use, you know, so I don't know just a thought that maybe after two attempts a certified letter ascent and then you're done could be an option so.

142

00:19:54.870 --> 00:19:55.980

Rasham Nassar: councilmember Schneider.

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00:19:57.540 --> 00:20:05.220

Leslie Schneider: Thank you so that's what I was going to say I don't know if we need to change the wording of what's there, or whether the wording is enough.

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00:20:05.820 --> 00:20:22.860

Leslie Schneider: But it does say confirmation can be in the form of direct communication from the responded to the Chair or in the form of the city clerk mailing the invitation to respondent using certified mail so maybe we just say you know change it to.

145

00:20:24.000 --> 00:20:35.730

Leslie Schneider: With in in the lack of any response, the city clerk can mail the invitation to the respondent using certified mail.

146

00:20:38.100 --> 00:20:48.540

Leslie Schneider: Maybe we just need to tweak on that language, but I do think the certified mail option being there, it makes it pretty clear that we can move forward once these fallback options have been handled.

147

00:20:51.270 --> 00:20:52.290

Rasham Nassar: board member melon.

148

00:20:53.940 --> 00:20:59.970

David Mallon: I was just going to add this this this adding that piece to the about the certified letter to.

149

00:21:01.080 --> 00:21:09.690

David Mallon: To the to the operating rules that would actually be very helpful we amongst ourselves, and we were talking about the operating rules and figuring out how to deal with this in the context of those rules.

150

00:21:10.110 --> 00:21:15.870

David Mallon: We had thought that that notion of adding a second layer that might be, you know sending something snail mail.

151

00:21:16.350 --> 00:21:29.400

David Mallon: would be a good idea, but we just in the operating rules we didn't feel like we could commit the city to the resources to do that right, so we very much I will say we are, I mean, I very much appreciate that that is being added on by you.

152

00:21:30.450 --> 00:21:34.650

David Mallon: Because then it's basically taking care of I think that's a really good really good answer.

153

00:21:37.110 --> 00:21:38.040

Rasham Nassar: For number cash.

154

00:21:41.160 --> 00:21:42.180

Jim Cash: I just think that.

155

00:21:44.010 --> 00:21:50.940

Jim Cash: The language needs to be there, that if there is no response to the certified mail, then we can proceed with our.

156

00:21:52.290 --> 00:22:08.670

Jim Cash: Our action on that complaint, I think it needs to be specifically there so that there's, no, no question that the the respondent says, well, I didn't have an answer I couldn't I didn't get an email I wasn't notified we're covered.

157

00:22:13.170 --> 00:22:19.740

Rasham Nassar: So I don't see any other hands raised the city attorney brought up an interesting point and answering councilmember deets his question.

158

00:22:21.960 --> 00:22:22.530

Rasham Nassar: That.

159

00:22:23.610 --> 00:22:28.770

Rasham Nassar: The motions as they as they appear in the packet have not been adopted, pretty that's why we're having this conversation tonight.

160

00:22:30.090 --> 00:22:37.770

Rasham Nassar: My understanding was that we were here just sort sort of to listen and as Deputy Mayor had topless stated to give deference to the board to hear their thoughts and inputs.

161

00:22:38.280 --> 00:22:44.970

Rasham Nassar: And then the Council would pick this up at a business meeting with the motions that that take into consideration the ethics board.

162

00:22:45.690 --> 00:22:55.200

Rasham Nassar: feedback and recommendations that we're hearing tonight included where we've kind of all come around come to some consensus on the motions, and I think we've largely have.

163

00:22:55.680 --> 00:23:03.060

Rasham Nassar: And we may be ready to move on, and I just want to make sure, at this point that that's consistent with everyone else's understandings Council.

164

00:23:04.020 --> 00:23:19.530

Rasham Nassar: so that we know what to expect in terms of follow up moving out of this meeting and going back into our business meeting and if it's okay board member mount i'm going to go to Deputy Mayor I toklas just to kind of respond to the procedural point I raised.

165

00:23:20.790 --> 00:23:30.630

Kirsten Hytopoulos: So is there any reason we can't Well, first of all I guess i'd asked the city attorney whether this wasn't noticed enough for us to take action, but if not, is there a reason we could move these two consent agenda.

166

00:23:31.170 --> 00:23:36.030

Kirsten Hytopoulos: I just hate for us to take about in a sense of third meeting on these if they're easy for us.

167

00:23:38.190 --> 00:23:40.770

Rasham Nassar: I think we're we're amending them, we probably would have to.

168

00:23:42.000 --> 00:23:42.540

Rasham Nassar: The Attorney.

169

00:23:43.530 --> 00:23:56.820

Joe Levan: For the Council, based on the notice for the meeting you could take action on these motions, if you so chose, but you could also, and in doing so, you could amend them on on the fly or you could we could bring them back to you.

170

00:23:58.140 --> 00:24:01.260

Joe Levan: Either well I would think it'd be.

171

00:24:01.890 --> 00:24:07.800

Joe Levan: If you want to take public comment on them, then you probably wouldn't want them on consent that that's a consideration as well just to think about.

172

00:24:08.040 --> 00:24:12.750

Joe Levan: On the one about the Court rule I do want to I could it sounds like the Council does want something specific.

173

00:24:13.650 --> 00:24:19.920

Joe Levan: some kind of recommendation that would be from the Court rules which I don't have for you tonight, which I can provide to you, though, and a future meeting.

174

00:24:20.580 --> 00:24:32.340

Joe Levan: So that that on that one in particular actually actually that covers two of these motions there's also there's three other emotions that customer deets had previously fraud as well that are part of this packet so keep keep those in mind as well.

175

00:24:34.980 --> 00:24:45.270

Rasham Nassar: we'll move into Next, I just want to make sure that we're ready to move on, and so, in light of what the city attorney side Council is that it does everyone kind of agreed to that terms of process.

176

00:24:46.470 --> 00:25:00.330

Rasham Nassar: That we just have the discussion tonight and then staff will bring they bring back redrafted positions and their information and we'll take it up at a future business meeting okay great so with that we are going to move on to the emotions.

177

00:25:02.580 --> 00:25:04.020

Rasham Nassar: that appear in the packet I.

178

00:25:06.600 --> 00:25:16.350

Rasham Nassar: had them out here, they are the motions for November 10 2020 Council business meeting prepared and proposed by Council member deets councilmember snyder.

179

00:25:19.950 --> 00:25:20.370

Leslie Schneider: Sorry.

180

00:25:21.780 --> 00:25:26.730

Leslie Schneider: i'm just trying to process this So did we just decided that we're not making any decisions tonight.

181

00:25:27.840 --> 00:25:36.900

Rasham Nassar: Well, we we've made we've given staff direction and provided consistent with the ethics board feedback on the motions, the first round that we just kind of work through.

182

00:25:38.010 --> 00:25:44.400

Rasham Nassar: that's going to require that we amend the emotions that were previously made November staffs going to do that, to work in the.

183

00:25:45.000 --> 00:25:54.600

Rasham Nassar: feedback and the new kind of direction recommendations tonight, and then we would reread those motions into the record at a business meeting and counsel would take action at that time.

184

00:25:56.580 --> 00:26:07.530

Rasham Nassar: Rather than making motions and mending on the fly and then with regard to the one which I think was the one that we actually spent the most time discussing relating to the anonymous complaints city attorney has to bring back information.

185

00:26:08.490 --> 00:26:14.400

Leslie Schneider: Okay, as long as that's fine as long as we are here very clearly.

186

00:26:15.660 --> 00:26:26.310

Leslie Schneider: Possibly with you know motions and votes or whatever is needed express a clear intent, so that we don't have to rehash this in in another meeting that that works for me.

187

00:26:28.020 --> 00:26:28.860

Leslie Schneider: Okay, thank you.

188

00:26:30.600 --> 00:26:35.160

Rasham Nassar: Okay councilmember details Okay, if I handed off to you to run us through these next motion.

189

00:26:36.150 --> 00:26:46.320

Joe Deets: I happy to mayor, but I was gonna say there was a host of other emotions on that list that we hadn't completed so.

190

00:26:48.660 --> 00:26:52.710

Joe Deets: I mean i'm happy to go into quote my emotions, if you will, but.

191

00:26:54.930 --> 00:27:00.750

Joe Deets: What i've seen by different pages more to go with those other emotions so didn't we want to go through those.

192

00:27:01.590 --> 00:27:02.820

Rasham Nassar: So I have.

193

00:27:04.650 --> 00:27:07.500

Joe Deets: A reality unless i'm misunderstanding cheer.

194

00:27:07.530 --> 00:27:18.960

Rasham Nassar: cheer Weaver I heard you announce it was the final motion, so I took your word for it, but I do have a document when I think I might be missing here but i'm not seeing any other pages.

195

00:27:20.640 --> 00:27:22.530

Joe Deets: And then we did we cover all of them.

196

00:27:23.760 --> 00:27:23.940

Joe Deets: yeah.

197

00:27:24.000 --> 00:27:27.960

Joe Levan: I think I think confusion for the confusion may be that some of these are.

198

00:27:29.100 --> 00:27:36.720

Joe Levan: There duplicative for that they affect different provisions of the ethics program so their stated twice, but they deal with the same issue.

199

00:27:38.460 --> 00:27:38.640

Joe Deets: Oh.

200

00:27:40.260 --> 00:27:41.730

Joe Deets: I just want to make sure we're not missing anything.

201

00:27:44.010 --> 00:27:49.170

Joe Deets: Well, thank you i'll go ahead and gosh I made these motions.

202

00:27:51.360 --> 00:27:56.250

Joe Deets: Was that in November so we'll see if power elephant, they still are.

203

00:27:58.620 --> 00:28:08.820

Joe Deets: We never did vote I I don't even remember if we talked about them at the time, but the first motion was relating to more of just being having.

204

00:28:09.270 --> 00:28:14.820

Joe Deets: Just more clarity to the ethics program itself, this is Item number one.

205

00:28:15.270 --> 00:28:24.660

Joe Deets: Where i'll just read it out, I moved to include an additional bullet point to the introduction of the city bainbridge island code of conduct and ethics program that states the following.

206

00:28:25.380 --> 00:28:37.080

Joe Deets: Further to further the public trust in city government and to accomplish this principally to education and not seeking and not the seeking of punishment so.

207

00:28:38.310 --> 00:28:59.580

Joe Deets: We talked about this is for education, primarily and reading graph we refer to that, but it's not quite so explicit as i'm standing here so i'm just asking maybe we just be very explicit, particularly in this introduction that it's for education and not the seeking of punishment principal.

208

00:29:05.220 --> 00:29:06.690

Rasham Nassar: Deputy Mayor high top so happy for him.

209

00:29:08.400 --> 00:29:20.130

Kirsten Hytopoulos: You know I mean ironically, even though i've for years have said that this can be weaponized and it concerns me and i've seen a weaponized I feel like that's unnecessary and I hear your your goal.

210

00:29:20.580 --> 00:29:27.150

Kirsten Hytopoulos: But I, I think we all know that and it feels like an unnecessary addition I don't know why it bothers me a bit, but I mean.

211

00:29:28.380 --> 00:29:36.390

Kirsten Hytopoulos: Maybe there are things we need to fix in the program ultimately so that cannot be weaponized as easily but I don't feel the need for that addition.

212

00:29:38.850 --> 00:29:43.230

Rasham Nassar: anyone else, like to weigh in on that ethics board members thoughts.

213

00:29:44.790 --> 00:29:46.770

Rasham Nassar: And board member melon.

214

00:29:47.850 --> 00:29:49.380

David Mallon: Well, just just to say.

215

00:29:50.760 --> 00:30:02.370

David Mallon: It is something that we are we constantly remind ourselves so within the group that is the current board, we are very clear that that is our our primary since the reason for being.

216

00:30:03.720 --> 00:30:18.060

David Mallon: i'm not sure why I appreciate I think Council person needs wanting to make it very even clear in the in the document, but just so you know it's very, it is very much how we talk about this, our roles to each other.

217

00:30:21.990 --> 00:30:22.710

Rasham Nassar: I chair Weaver.

218

00:30:24.270 --> 00:30:27.120

Tyler Weaver: yeah I don't know that I have a whole lot to add to what David just said, but.

219

00:30:29.970 --> 00:30:36.990

Tyler Weaver: I I feel like I know the group pretty well at this point, even though we've not been able to meet in person, even once yet, but.

220

00:30:39.390 --> 00:30:47.790

Tyler Weaver: We are really not in the business of punishing people I appreciate that that is definitely the spirit of what's going on here and, then, that is, you know the spirit of this amendment.

221

00:30:49.740 --> 00:30:51.630

Tyler Weaver: I don't know that it's necessary but.

222

00:30:52.830 --> 00:30:55.500

Tyler Weaver: As David said it's certainly what we aim to do.

223

00:30:56.550 --> 00:30:57.600

Tyler Weaver: With what we're doing.

224

00:31:00.090 --> 00:31:01.020

Rasham Nassar: councilmember deeds.

225

00:31:02.280 --> 00:31:12.180

Joe Deets: Thank you well i'll just say I, I understand that is my understanding that's all my colleagues understanding that's the ethics boards understanding, but, mind you.

226

00:31:12.480 --> 00:31:20.190

Joe Deets: there's a whole public out there who, if they ever read this program it's really, in my view, now if we if I don't.

227

00:31:20.460 --> 00:31:28.440

Joe Deets: Get the balance that's fine, but in my view, if it's if people read that they'll see it's explicitly stated as such, so.

228

00:31:28.770 --> 00:31:40.560

Joe Deets: it's maybe this seems redundant to those of us who live and breathe this stuff but I I just believe that the public actually means to see that and understand oh so that's what that's the intent of the ethics Program.

229

00:31:41.070 --> 00:31:48.480

Joe Deets: But if, but if folks don't want to move forward that's fine but that's really why i'm not that we don't understand it, but the greater public may not.

230

00:31:50.310 --> 00:31:51.390

Rasham Nassar: councilmember pollock.

231

00:31:52.680 --> 00:32:02.100

Michael Pollock: I agree with some other dates on this one, you know if everybody's saying it's for educational purposes and it's not gonna hurt to say clearly, but it's for educational purposes.

232

00:32:03.150 --> 00:32:09.090

Michael Pollock: If we want it to be for educational purposes and let's be clear and speak plainly that that's the purpose of the.

233

00:32:10.830 --> 00:32:15.390

Michael Pollock: program we want to be punitive then let's be clear that we want it to be punitive so.

234

00:32:16.350 --> 00:32:23.490

Michael Pollock: It sounds like we all agree that we want it to be educational and I think it's important that we put that in there for exactly the reasons that.

235

00:32:24.030 --> 00:32:35.310

Michael Pollock: Come something that he stated for the public and to remind us and, and of course I remind everyone that the Council will change and the ethics board members will change so it's just a good reminder.

236

00:32:36.960 --> 00:32:48.660

Michael Pollock: I guess just the last point on, that is, do we want it to be, educational, perhaps we should decide if that is what we want, or if we want it to be punitive.

237

00:32:49.710 --> 00:32:54.300

Michael Pollock: It sounds like there's unanimity, maybe we want it to be educational but.

238

00:32:55.560 --> 00:32:58.740

Michael Pollock: I don't know if we need to show hands on that or what but.

239

00:32:59.790 --> 00:33:04.980

Michael Pollock: I guess anybody wants it to be punitive speak now I think we'll assume it's going to be educational.

240

00:33:08.160 --> 00:33:09.030

Rasham Nassar: councilmember car.

241

00:33:10.740 --> 00:33:18.210

Christy Carr: yeah thanks um I don't disagree with the idea that the program should be primarily educational.

242

00:33:19.050 --> 00:33:31.050

Christy Carr: But in terms of if there is a finding of a violation of the program my reading of it is that we don't have an educational option as a Council, so I think that if just adding a bullet that it that.

243

00:33:31.680 --> 00:33:40.860

Christy Carr: This program is primarily educational is somewhat insufficient if that's the what we want this program to be and that our actual actions.

244

00:33:41.610 --> 00:33:55.290

Christy Carr: should support that because right now we really only have no action or punitive action, so I think we need to further support that that idea or that intent in the remainder of the Program.

245

00:33:58.200 --> 00:33:59.040

Rasham Nassar: councilmember Schneider.

246

00:34:00.540 --> 00:34:01.080

Leslie Schneider: Thank you.

247

00:34:02.730 --> 00:34:17.460

Leslie Schneider: So I absolutely agree that the intent is for this to be educational, but I also think it's context sensitive, so if education has failed, and if there are sort of multiple.

248

00:34:19.830 --> 00:34:32.460

Leslie Schneider: If there are multiple ethics complaints that all fall into the same bucket, then you know, I think it doesn't help to have Councils hands tied or to imply that.

249

00:34:32.880 --> 00:34:50.940

Leslie Schneider: That there wouldn't be stronger language used let's say on repeat defenses or something like that, so I think it just is enough context sensitivity that I would prefer not to include the language, even as I understand the intent that it was proposed in.

250

00:34:56.160 --> 00:34:57.030

Rasham Nassar: board member keating.

251

00:34:59.220 --> 00:35:06.450

Dona Keating: I concur with councilmember deeds about having it articulated that it's educational I think the intent is important.

252

00:35:06.990 --> 00:35:10.260

Dona Keating: we're in the Internet age where you have to say something 10 times, where someone can.

253

00:35:10.650 --> 00:35:18.930

Dona Keating: can really grasp it, and if you say it 20 times, then it's, not just for us, as for the public, so that they can think twice before pressing that button and submitting something.

254

00:35:19.320 --> 00:35:26.190

Dona Keating: I also wanted to say that I don't think that having an educational intent neutrally excludes having a remedy, should that fail.

255

00:35:26.670 --> 00:35:37.260

Dona Keating: So I think there are two separate things I think you can state that intention, but you can also follow through by having some type of best practices or some type of state of remedies in the event that that doesn't succeed.

256

00:35:39.660 --> 00:35:41.010

Rasham Nassar: Deputy Mayor had topless.

257

00:35:41.820 --> 00:35:51.780

Kirsten Hytopoulos: yeah well I like I said I don't think we need it, I think what's helpful is that is that this motion does say, principally through education, not the seeking and punishment, and I think that covers.

258

00:35:51.960 --> 00:36:01.140

Kirsten Hytopoulos: Everything that's been said, because I would agree with counselor Schneider that there are going to be times, and you know, we could have a situation where it's a true ethics complaint and there's like a.

259

00:36:01.650 --> 00:36:12.630

Kirsten Hytopoulos: financial interest, and you know some real kind of stuff that there's not there's not it's not a code of conduct it's an ethics complaint we wouldn't we wouldn't want to I would not want to change the code not have us admonished or what have you so.

260

00:36:13.920 --> 00:36:20.460

Kirsten Hytopoulos: I think this works, even for anybody wants to vote for it, it works for both it allows for there to be something other than education.

261

00:36:24.390 --> 00:36:26.040

Rasham Nassar: Council member pollock.

262

00:36:27.630 --> 00:36:41.340

Michael Pollock: Order thing um are we going to do that is this is this a full motion and we're going to vote on it to move it to the other agenda or how do we make a decision or listen everybody I might to make a decision, how do we move on.

263

00:36:43.380 --> 00:36:52.590

Rasham Nassar: Well, I think we would move on, just like we moved on, with the other proposed motions and they would just appear in our Council packet the next time that this is scheduled at a business meeting.

264

00:36:53.220 --> 00:37:03.960

Rasham Nassar: At which point the Council member would put the motion on the floor I don't hear that we're changing it at all, or at least financially, so it would just be presented at a business meeting and potentially adopted.

265

00:37:04.530 --> 00:37:13.680

Michael Pollock: Okay, so, then so we're just throwing our thoughts on these then that's what the purpose of this and then they are going to move forward, as proposed, unless.

266

00:37:15.180 --> 00:37:20.220

Michael Pollock: What we did we get a motion down if we don't like them or just what are we doing here.

267

00:37:21.960 --> 00:37:35.100

Rasham Nassar: we're we're here to hear feedback on the proposed motions and the packet, including the ones that we're considering right now, and primarily we're here to hear feedback from the ethics board members that's why we've invited them to attend this meeting tonight.

268

00:37:35.700 --> 00:37:43.380

Michael Pollock: Okay, so these are all moving forward to our business meeting that are not making a decision about whether they are moving forward or not, yes.

269

00:37:43.410 --> 00:37:49.260

Rasham Nassar: And I think unless there's they're moving forward to a business meeting yes we're not adopting any changes.

270

00:37:49.680 --> 00:37:56.490

Rasham Nassar: Tonight, and if there's substantial opposition to the way the motion is currently worded in only like it to appear amended.

271

00:37:57.090 --> 00:38:10.080

Rasham Nassar: or differently to include different language or achieve a different outcome, then that's the conversation we're having tonight and hopefully become some consensus around the motion that we do want to appear in the packet when we discuss this next of the Council.

272

00:38:11.370 --> 00:38:17.790

Rasham Nassar: So that is Deputy Mayor had tabula said it's just making motions and adopting the changes into the program and we're not reinventing another big.

273

00:38:19.170 --> 00:38:27.900

Rasham Nassar: debate so that would be my preference, I hope that sounds reasonable to members of the Council and that's why we assembled here tonight, so.

274

00:38:29.730 --> 00:38:30.930

Rasham Nassar: councilmember pantry Johnson.

275

00:38:31.560 --> 00:38:39.810

Brenda Fantroy-Johnson: I think board member Anderson has been trying desperately to get in would you like to say something.

276

00:38:40.980 --> 00:38:41.610

Brenda Fantroy-Johnson: You don't you.

277

00:38:47.130 --> 00:38:49.530

Rasham Nassar: grandson we can't we can't hear you.

278

00:38:54.330 --> 00:38:55.170

Rasham Nassar: Try can you try again.

279

00:38:58.200 --> 00:38:58.590

Rasham Nassar: not yet.

280

00:39:01.740 --> 00:39:02.040

Rasham Nassar: Oh.

281

00:39:05.370 --> 00:39:07.860

Rasham Nassar: very, very faint Lee.

282

00:39:13.470 --> 00:39:14.190

Karen Anderson: Can you hear me now.

283

00:39:15.600 --> 00:39:16.050

Rasham Nassar: Yes.

284

00:39:17.040 --> 00:39:26.760

Karen Anderson: I was all I had to say was that I agree with councilman the site I liked I thought it should be in there, because I would have appreciated having it in their.

285

00:39:27.330 --> 00:39:42.390

Karen Anderson: Last fall because I didn't understand that it was just educational so that would have been good, and I think we, you know we have three new members at least three or four new Members coming in, and I just think it's I think it's I think it is good to have it in there.

286

00:39:43.860 --> 00:39:47.730

Karen Anderson: The amendment about it as educational but I liked what.

287

00:39:49.530 --> 00:40:02.430

Karen Anderson: Ethics board member Keating said also that it should be left open, you know if there is a repeated or more serious violation than what we've been saying.

288

00:40:03.900 --> 00:40:04.350

Thank you.

289

00:40:06.030 --> 00:40:17.820

Rasham Nassar: Okay, thank you and for future if you can't use the raise hand feature on zoom just wave your hand and that way I'll make sure to focus in on your.

290

00:40:18.960 --> 00:40:22.470

Rasham Nassar: Your visual there, so I don't miss I don't miss you next time Okay, I apologize.

291

00:40:24.060 --> 00:40:26.910

Rasham Nassar: Okay, so maybe we move on Council.

292

00:40:26.910 --> 00:40:30.930

Rasham Nassar: To number two Council member leases.

293

00:40:31.380 --> 00:40:33.600

Rasham Nassar: recommend emotions Okay, please go ahead.

294

00:40:35.070 --> 00:40:41.070

Joe Deets: yeah thank Thank you Mary um well actually two and three are basically exactly the same.

295

00:40:42.270 --> 00:40:46.110

Joe Deets: And, first of all, so what does this say about.

296

00:40:47.760 --> 00:40:48.450

Joe Deets: It.

297

00:40:51.060 --> 00:40:58.470

Joe Deets: Again i'm just speaking from my own opinion, I never know about it i'm not you know there's no way for me to be informed.

298

00:40:59.520 --> 00:41:10.050

Joe Deets: i'm not trying to be nosy, but I feel this as part of my job as a Council member to know what other committees communities are doing, and that includes what ethics complaints are being filed so.

299

00:41:11.550 --> 00:41:21.330

Joe Deets: i'm just what these this is referencing is having an explicit that Council members get copies of the complaints so i'll so i'll just read out the number number two here.

300

00:41:21.780 --> 00:41:28.680

Joe Deets: I moved to include an article three are a number three of the city of bainbridge islands code of conduct and ethics program the following.

301

00:41:29.190 --> 00:41:38.640

Joe Deets: The city clerk shall also send copies of complaints alleging one or more violations of the code of ethics, this is Article one in parentheses to all members of Council.

302

00:41:39.180 --> 00:41:49.920

Joe Deets: Now number three is exactly the same, but it's just referring to Article two, so it's just notifying us Council members of the complaints, as they come in that's all.

303

00:41:52.500 --> 00:41:52.740

Joe Deets: Okay.

304

00:41:54.000 --> 00:41:57.360

Rasham Nassar: Any comments discussion Deputy Mayor had topless.

305

00:41:58.320 --> 00:42:06.360

Kirsten Hytopoulos: Well, I think this points out a problem in the program that we tried to fix but we failed to fix with regards to wanting to keep.

306

00:42:08.610 --> 00:42:14.010

Kirsten Hytopoulos: You know, complaints that could be spacious basis whatever complaints out of the general circulation.

307

00:42:14.790 --> 00:42:22.050

Kirsten Hytopoulos: The way it's come out I realized they ultimately really do I think through the way the process that the committee works at the board works and everything they they do.

308

00:42:22.440 --> 00:42:27.210

Kirsten Hytopoulos: But I mean we were we were certainly trying to avoid putting them on the website, I think we did succeed in that you know.

309

00:42:27.630 --> 00:42:35.550

Kirsten Hytopoulos: These are complaints that could be found to be absolutely baseless right, so I have mixed feelings about it as well, I want to say, on the one hand, you know we have reasons to be interested.

310

00:42:35.910 --> 00:42:42.510

Kirsten Hytopoulos: On the other hand, the more we send out complaints that haven't actually been evaluated and process, the more we're just sending out.

311

00:42:43.680 --> 00:42:49.440

Kirsten Hytopoulos: complaints that you know we've all I think talked about concerns about just simply accusations.

312

00:42:50.820 --> 00:42:53.940

Kirsten Hytopoulos: can be very harmful, so I i'm not so sure about it.

313

00:42:56.940 --> 00:42:57.570

Kirsten Hytopoulos: chair Weaver.

314

00:42:59.040 --> 00:43:01.950

Tyler Weaver: yeah again i'm going to be building on the comment before me, but.

315

00:43:03.840 --> 00:43:16.140

Tyler Weaver: I think this is really a policy decision that needs to be made by the Council about how public they want various things to be as it stands right now, or meetings are all public I think they have to be and i'm glad that they are.

316

00:43:17.640 --> 00:43:32.190

Tyler Weaver: But, as a result of that people do hear the complaints and but the ultimate decisions are not posted on the website and are not circulated and the complaints are not accepting our meeting materials, so there is a tension there.

317

00:43:33.930 --> 00:43:36.930

Tyler Weaver: But I think that's the way the program is currently set up.

318

00:43:38.760 --> 00:43:39.330

Tyler Weaver: and

319

00:43:41.640 --> 00:43:49.560

Tyler Weaver: I don't know that we have talked about whether as a board whether we have a strong unanimous feeling about how that should go but.

320

00:43:51.540 --> 00:43:58.650

Tyler Weaver: There is that tension and if the Council wants, you know once copies of it that's fine we we don't really have any objection to you getting.

321

00:44:00.540 --> 00:44:02.460

Tyler Weaver: The complaints, the responses.

322

00:44:03.720 --> 00:44:06.900

Tyler Weaver: or opinions you know if you if, if you want to see them.

323

00:44:09.720 --> 00:44:10.740

board member melon.

324

00:44:16.620 --> 00:44:17.100

Rasham Nassar: Oh you're not.

325

00:44:17.940 --> 00:44:18.960

David Mallon: muted sorry.

326

00:44:19.320 --> 00:44:24.330

David Mallon: sorry about that i'm just going to pick up on what Tyler just said, I think this is an issue that.

327

00:44:25.380 --> 00:44:37.380

David Mallon: I think, to some degree pushes against the conversation we're just having about about our purpose being educational In fact we just ran into this this problem on the last our last.

328

00:44:37.920 --> 00:44:50.460

David Mallon: Business meeting, where we had an article one complaint, where the where the instructions that are in the program are pretty clear that that's not we're not supposed to talk not supposed to publicize.

329

00:44:50.820 --> 00:44:58.890

David Mallon: that the person that's the complaints about in those cases, but we were sort of you know we kind of were forced to because.

330

00:44:59.430 --> 00:45:14.700

David Mallon: The the complaints in the agenda that's public our meeting as public it's being it's being talked about in public it's being recorded in public so basically everything about the process is already operating against the way the program is written.

331

00:45:16.350 --> 00:45:20.670

David Mallon: The The more that we share these The more that.

332

00:45:21.300 --> 00:45:34.560

David Mallon: And as Tyler just noted, right now, our agenda shares the complaint, the meeting shares the complaint publicly, the only thing that's not shared publicly ironically enough is is there is the finding.

333

00:45:35.040 --> 00:45:46.380

David Mallon: And if if this if the complaint with specious To start with, and we find it as such, the one the one part of the whole process that can be educational for the public is the one thing they can't see.

334

00:45:47.460 --> 00:45:59.280

David Mallon: So we've had this conversation amongst ourselves i'll tell you, if it if there was some way to do it in fact I actually asked the I asked Andrew this on one of our last calls.

335

00:45:59.820 --> 00:46:12.450

David Mallon: If there was some way for us to actually to do the debate around the complaints privately like in some kind of executive session and just share redacted essentially.

336

00:46:12.840 --> 00:46:23.790

David Mallon: Findings where we could be educational in those findings in the way that we do in when we do advisory opinions we're we're sort of talking about not just what we found, but why we found it.

337

00:46:24.240 --> 00:46:36.840

David Mallon: That would be sort of the ideal situation where you could sort understand what was the ask and what was our answer, but you don't necessarily see the kind of messy middle that would be the ideal answer but that's not how this is currently constructed.

338

00:46:39.810 --> 00:46:40.950

Rasham Nassar: councilmember fan or Johnson.

339

00:46:42.420 --> 00:46:51.660

Brenda Fantroy-Johnson: I guess i'm maybe i'm just not nosy enough I don't want to know, I only want to know when it's something that you guys have made a decision on.

340

00:46:52.020 --> 00:47:00.960

Brenda Fantroy-Johnson: Other than that, I don't want to I don't want all of these complaints coming it's like working for a company and the company gets all of these complaints, they don't send them out to every employee.

341

00:47:01.740 --> 00:47:04.800

Brenda Fantroy-Johnson: They don't let everybody know that you know there's complaints against them.

342

00:47:05.610 --> 00:47:18.510

Brenda Fantroy-Johnson: If it's something you got to take up and make a decision on and we need to know the outcome of that decision then yeah I could see you sending it to us, without going to net it's it would be too messy like you said.

343

00:47:21.960 --> 00:47:22.890

Rasham Nassar: board member cash.

344

00:47:25.020 --> 00:47:43.950

Jim Cash: This is just something I don't know if if we can do this, but is it possible, when the complaint is filed the the board knows, but the public could we have the the name of the the person, against whom the complaint is filed, can we have that name redacted.

345

00:47:44.970 --> 00:48:04.920

Jim Cash: And just the board know to whom that complaint is being filed against and then, if it turns out that it is a legitimate complaint, then that that name can be released that way there's no chance if it's a specious complaint that anything is is you know put out towards the public.

346

00:48:07.830 --> 00:48:15.750

Rasham Nassar: Think well hold on to that question I think it's a good question i'm going to move on to councilmember pollock and then we can ask the city attorney to respond to that.

347

00:48:17.310 --> 00:48:20.220

Michael Pollock: yeah what i'm hearing is is, I think it is.

348

00:48:20.820 --> 00:48:23.340

Michael Pollock: And I would agree medium projecting a little bit there.

349

00:48:23.610 --> 00:48:32.460

Michael Pollock: Is a desire to really hash out the dirty laundry, so to speak, in private and make the comment, and I think that that's really good because.

350

00:48:32.880 --> 00:48:46.230

Michael Pollock: In a sense, the deliberations in themselves in and of themselves if they're done publicly become almost a form of punishment, you know it gets picked up by the press and and ported, and so it doesn't give.

351

00:48:47.070 --> 00:48:55.980

Michael Pollock: The ethics board the opportunity to you know speak frankly with each other and say I can you believe this, you know blah blah, you know and just kind of speak openly and honestly so.

352

00:48:57.600 --> 00:49:01.950

Michael Pollock: Ah, I think it's a good thing that we're tackling it and I know there's some legal.

353

00:49:03.420 --> 00:49:05.310

Michael Pollock: Issues attorney i'll have to.

354

00:49:06.510 --> 00:49:20.340

Michael Pollock: Perhaps provide some guidance on but one suggestion is is simply to when you get something different to convey and then or you guys actually aren't you don't have to be.

355

00:49:21.720 --> 00:49:25.590

Michael Pollock: held to the standard of an open public meetings fact I believe.

356

00:49:25.860 --> 00:49:40.740

Michael Pollock: And, but we just do that as a matter of practice, so I think there's options and i'd like to hear from the city attorney on that, but certainly I think going to Community firm to committed would be one way at least three of you could you know, having a good session, so to speak.

357

00:49:42.090 --> 00:49:43.140

Michael Pollock: Out of the public, God.

358

00:49:47.520 --> 00:49:48.510

Rasham Nassar: that'd be America topless.

359

00:49:50.700 --> 00:50:00.540

Kirsten Hytopoulos: Well, I just wanted to say in response to it earlier comment, I think that the process is supposed to be that unless something's referred to mediation that there isn't advisory opinion that is supposed to be.

360

00:50:01.170 --> 00:50:07.980

Kirsten Hytopoulos: anonymous as to the parties but to be published that's what's in the in the program now that doesn't help if.

361

00:50:08.670 --> 00:50:15.570

Kirsten Hytopoulos: What doesn't help is that that's that's that does the educational component is, I guess, my point that education component is there, it doesn't help.

362

00:50:16.500 --> 00:50:20.010

Kirsten Hytopoulos: indicate the person whose name was dragged all over the mud potentially.

363

00:50:20.310 --> 00:50:27.930

Kirsten Hytopoulos: In the other in the process, the rest of the way where then their name is attached so that's where we've kind of we screwed up I think when we revised the program I think we thought.

364

00:50:28.440 --> 00:50:39.720

Kirsten Hytopoulos: There was going to be anonymity in the front end and there was clearly we clearly delineated that there was anonymity in the published advisory opinion so that's where the breakdown has happened.

365

00:50:41.610 --> 00:50:42.480

councilmember car.

366

00:50:44.160 --> 00:50:52.530

Christy Carr: yeah thanks, it sounds like we're talking about some problems or potential fixes to the program but that the emotions from councilmember deets.

367

00:50:54.690 --> 00:50:55.710

Christy Carr: don't solve for that.

368

00:50:56.970 --> 00:51:16.500

Christy Carr: And so perhaps we could stay focused on the emotions and then take up potential other fixes to the ethics program at a different time and I guess, I would just say that i'm not in favor of receiving ethics complaints when they're filed.

369

00:51:17.520 --> 00:51:21.360

Christy Carr: For most of the reasons that have been already stated by my colleagues.

370

00:51:24.180 --> 00:51:32.430

Rasham Nassar: On board member cash your hand is still raised, I don't know if you wanted to chime in again or okay councilmember deets yeah.

371

00:51:32.460 --> 00:51:48.990

Joe Deets: Thank you well, maybe there's there's there's done in a support for this, but my new I would say, just as a practical matter if you don't want to receive them you just tell the city clerk please don't send me ethics complaints, maybe it's because I came from the ethics board so i'm.

372

00:51:50.010 --> 00:52:00.030

Joe Deets: But I was used to seeing them, so I it doesn't bother me to get them it's it's it's just I just feel like it's just part of my job as a Council member to know what a committee is doing.

373

00:52:00.390 --> 00:52:12.120

Joe Deets: So it doesn't if you don't want to see it, then you can just say, make it optional I don't want to see it done okay The other thing is, if we were talking about how important the educational feature is here and.

374

00:52:12.870 --> 00:52:16.320

Joe Deets: Maybe it's not with this motion, but we knew do need to show.

375

00:52:16.950 --> 00:52:28.530

Joe Deets: How do we get that education out, I mean if everything is so confidential and hard to find like I find it hard to find the determinations made unless I make an actual effort to do so.

376

00:52:29.520 --> 00:52:44.430

Joe Deets: It kind of defeats the purpose, the education, if we don't know what the decisions were made so folks like me can learn oh I there's some things I need to be aware of, not to do, for example, or or things that are okay to do so.

377

00:52:45.390 --> 00:53:00.930

Joe Deets: I think we that's a no larger discussion outside of this motion, but you know if it does, if these if folks don't want to pass this that's fine but i'll just say a workaround is, if you don't want to get that if you don't want to get the complaints, then just will make it optional.

378

00:53:03.660 --> 00:53:04.740

Rasham Nassar: um.

379

00:53:06.000 --> 00:53:08.010

Rasham Nassar: I councilmember pollock.

380

00:53:09.090 --> 00:53:21.210

Michael Pollock: yeah I appreciate a councilman required to keep us on track on Preston I can so I just want to be clear, I support what she said I don't want this, I feel like i'm looking at something that I don't need to see, and I just.

381

00:53:24.660 --> 00:53:26.940

Michael Pollock: So I don't want to move forward with this mission.

382

00:53:28.350 --> 00:53:28.980

Control.

383

00:53:31.320 --> 00:53:31.860

Rasham Nassar: and

384

00:53:32.160 --> 00:53:45.540

Rasham Nassar: And i'll share i'll share my opinions briefly on emergency, I appreciate and councilmember deets is intent and proposing this I completely understand where you're coming from and I don't support.

385

00:53:47.340 --> 00:53:53.250

Rasham Nassar: That Council members would receive the complaints when they're filed, I think that we put the board in the position to be the decision making body.

386

00:53:53.640 --> 00:54:05.400

Rasham Nassar: And, and when a complaint is filed it's just that it's a complaint and then the Board is in the position to judge that complaint and the conduct alleged or actions alleged that may or may not be a violation.

387

00:54:06.180 --> 00:54:20.730

Rasham Nassar: After which point when the determination is made her actions taken by the board, and then I would be happy to hear that resolution, or that recommendation, and I think Council has to because we are ultimately the the the final decision making authority.

388

00:54:24.750 --> 00:54:25.380

Rasham Nassar: chair Weaver.

389

00:54:26.490 --> 00:54:35.550

Tyler Weaver: yeah on the on the complaint issue, I mean just so everyone knows i'm currently the only person on the board, who gets the complaint when it's filed.

390

00:54:36.570 --> 00:54:50.550

Tyler Weaver: We wait until we at least have the response, before I circulate it to the rest of the board so that we at least you know or or as a group are looking at it with both sides of the story, instead of you know, hearing one side and then waiting two weeks to hear the other side.

391

00:54:53.640 --> 00:55:05.250

Tyler Weaver: I mean i'm very interesting to hear what the city attorney or advising attorney had to say on what you know what the subject was what we are with required of us under the open public meetings act as a public board of the city.

392

00:55:07.950 --> 00:55:09.030

Tyler Weaver: And will say that I.

393

00:55:10.650 --> 00:55:19.320

Tyler Weaver: am somewhat concerned about the possible perception of us having all of our deliberations basically in a back room and.

394

00:55:20.790 --> 00:55:21.270

Tyler Weaver: You know.

395

00:55:22.920 --> 00:55:33.660

Tyler Weaver: And what that means, as far as how our how our ultimate decisions are treated, regardless of what happens in that back room I frankly don't think it'd be any different than what we've been doing in public, but.

396

00:55:35.520 --> 00:55:41.430

Tyler Weaver: That would concern me about having you know our meetings basically 75% executives executive session.

397

00:55:43.860 --> 00:55:52.200

Rasham Nassar: Okay, so before we kind of move on and discuss what has what is now an emerging new topic for discussion in terms of.

398

00:55:52.740 --> 00:56:04.770

Rasham Nassar: potential of possible changes to the ethics program I want to make sure that we've answered the question whether or not we are going to forward motions, two and three from the list that we're currently.

399

00:56:05.700 --> 00:56:14.370

Rasham Nassar: Reviewing right now to that business meeting, where the intent there, of course, would be to to vote to adopt or not so.

400

00:56:15.840 --> 00:56:23.820

Rasham Nassar: If there's a majority Council that would like to see these motions appear again and consider taking action on them, then I think that should put should shouldn't could be decided now.

401

00:56:25.980 --> 00:56:27.510

Rasham Nassar: councilmember deeds yeah.

402

00:56:27.570 --> 00:56:35.430

Joe Deets: Well, it doesn't look like their support, as far as I can tell me if it's just me, so I can just simply withdraw the motions and we're done.

403

00:56:36.270 --> 00:56:36.600

Okay.

404

00:56:37.620 --> 00:56:39.780

Rasham Nassar: If initiate that gesture councilmember deeds.

405

00:56:40.710 --> 00:56:44.190

Rasham Nassar: So we will not be forwarding the second and third motions.

406

00:56:44.460 --> 00:56:46.830

Rasham Nassar: that were proposed here in this.

407

00:56:48.390 --> 00:56:51.900

Rasham Nassar: Motion for November 10 Council business meeting by councilmember deeds.

408

00:56:53.730 --> 00:57:02.640

Rasham Nassar: proposal that was in our pockets me so just so everyone's clear and then what we've heard are several questions I flagged one, and that was now a while ago is.

409

00:57:03.150 --> 00:57:18.240

Rasham Nassar: Where remember cash was an interesting point about potentially redacting the complainants name from the complaint when and before it's published in the ethics board agenda packet is that possible.

410

00:57:19.410 --> 00:57:28.320

Rasham Nassar: And then I think in general we've heard some conversation, or maybe some interest in discussing what options we might have to invite more of a sense of.

411

00:57:29.670 --> 00:57:37.140

Rasham Nassar: I don't know what you call it, but not privacy professionalism undertaken complaints in a more discreet manner.

412

00:57:39.120 --> 00:57:43.620

Rasham Nassar: And city attorney, are you prepared to respond to any of the questions comments you've heard tonight.

413

00:57:44.640 --> 00:57:53.010

Joe Levan: yeah a couple things this is kind of a deja vu, because of you may or her topless and I went through this last when the program was last revised.

414

00:57:53.670 --> 00:58:03.840

Joe Levan: In terms of redactions and keep in mind, these are you know stepping back a bit you know you you all work for a public agency and youth there's there's very.

415

00:58:04.410 --> 00:58:12.870

Joe Levan: You know, broad requirements related to transparency and letting the public the sun shine shine on the what's being done.

416

00:58:13.290 --> 00:58:18.900

Joe Levan: And their state laws that apply to that, including the public records Act and the open public meetings act so in terms of.

417

00:58:19.860 --> 00:58:30.090

Joe Levan: redactions keep in mind the complaints are public records, the only way that information could be redacted in response to a public records request would be as if.

418

00:58:30.690 --> 00:58:42.120

Joe Levan: There is there's an exemption that would apply and generally with a pub with an ethics complaint there's not going to be any reactions are going to apply to that record now that's a separate issue than what.

419

00:58:43.530 --> 00:58:50.340

Joe Levan: potentially the ethics board would have on its web page or website, it could have a redacted document potentially.

420

00:58:50.820 --> 00:59:00.840

Joe Levan: But if someone made the public records request for the complaint, they would get it, and again redacted so that those are two different things so we're clear about that you know what would be responsive to a public records act.

421

00:59:01.980 --> 00:59:07.530

Joe Levan: You know request is different than what potentially would be on the website, if you wanted it that way.

422

00:59:09.210 --> 00:59:21.390

Joe Levan: In terms of the open public meetings X mean potentially the ethics board could similar to what the Council has done recently consider a complaint or charge against an official in executive session.

423

00:59:21.960 --> 00:59:29.820

Joe Levan: that'd be a whole different practice that i'm not sure if the ethics board has ever done that in the past, since since its inception, I don't know.

424

00:59:31.140 --> 00:59:38.670

Joe Levan: casually could happen, but, as you all know, Lisa Council knows the way the executive session provision is provided in the open public meetings act as if the.

425

00:59:39.180 --> 00:59:43.950

Joe Levan: Subject to that complaint wants that complaint to be heard an open session that it has to be rewritten open session.

426

00:59:44.520 --> 00:59:51.840

Joe Levan: So notice would have to be provided to the subject that complained and if they want it to be held open session be held nothing session so wouldn't it wouldn't be.

427

00:59:52.560 --> 01:00:02.130

Joe Levan: The decision by the by the board to determine that it'd be bad by the subject to the compliant so that that's kind of the way it shakes out in terms of the.

428

01:00:02.610 --> 01:00:09.690

Joe Levan: open public meetings act in the in the public records act, but I will have the Council hopefully you all, and then the board as well.

429

01:00:11.070 --> 01:00:17.910

Joe Levan: The having the ethics program is something that the council's had in place for many years it's it's your option to have it or not.

430

01:00:18.600 --> 01:00:27.090

Joe Levan: It you know to to have it, and then to have the proceedings occur by the board in in a in an executive session.

431

01:00:27.990 --> 01:00:32.790

Joe Levan: You know, it would be a unique situation and be would be a departure from the way it's been done.

432

01:00:33.570 --> 01:00:46.530

Joe Levan: By the city in the past, could it be done, potentially, yes, but again, the option would be by the subject that complained to say no, I don't want that to be an exact session, it has to be an open session so hopefully that answers those questions.

433

01:00:47.910 --> 01:00:50.520

Rasham Nassar: Thank you city attorney who mayor had topless.

434

01:00:51.720 --> 01:00:58.770

Kirsten Hytopoulos: um there was a time when this city long time I think when it first started a program that this was all anonymous and it was it was all.

435

01:00:59.430 --> 01:01:12.720

Kirsten Hytopoulos: You know hypothetical back and research that back when we when we revise this things I just be curious to know if we know for sure we could find out whether there was a time when it was done that way because i'm not sure how they would have how they would have discussed things so.

436

01:01:13.800 --> 01:01:13.950

Kirsten Hytopoulos: I don't.

437

01:01:14.520 --> 01:01:16.860

Joe Levan: I don't know, except that I love, what I can say is that.

438

01:01:17.880 --> 01:01:23.100

Joe Levan: The the open public meetings act in the public records act there's been a lot of case law that over since that time.

439

01:01:23.820 --> 01:01:33.330

Joe Levan: And I can tell you this is the current state of the law and that's that's that's that's what the Council on the board does live by and the city is live by so that is what it is.

440

01:01:40.380 --> 01:01:43.860

Rasham Nassar: So I don't see any other hands raised and i'm not sure where that leaves us.

441

01:01:45.870 --> 01:01:48.330

Rasham Nassar: Customer like to suggest some direction councilmember pollock.

442

01:01:49.140 --> 01:01:59.970

Michael Pollock: Well here's what I think in terms of that there's that I think it's really insightful to hear from the ethics board the issues that they started with you know we kind of threw them into.

443

01:02:02.190 --> 01:02:07.770

Michael Pollock: A new program and then they really you know kind of sort of either you swim really Brown.

444

01:02:08.280 --> 01:02:21.150

Michael Pollock: And, and I think it's really insightful to hear what they have to say, their experience and i'd like to hear that and then i'd like to think about all of us, because it seems like some of the solutions that have been proposed.

445

01:02:22.050 --> 01:02:37.110

Michael Pollock: are no longer really relevant are appropriate and there's been new learning opportunities for the ethics board and for us as well, and so I think just kind of kicking around some ideas, I guess, I don't see us solving the problems.

446

01:02:38.250 --> 01:02:43.320

Michael Pollock: The challenges associated with the ethics program today, but I certainly would like to hear.

447

01:02:44.250 --> 01:02:49.350

Michael Pollock: You know this is a unique opportunity for us to speak with the other totally hear from them, and so I think.

448

01:02:49.770 --> 01:03:02.310

Michael Pollock: Sharing from them, you know their thoughts would be good, and then I you know i'm just telling you how I think about aligning to kind of compensate and put it all together and sort of reflect on what i've heard and and then come back with the plan.

449

01:03:03.960 --> 01:03:04.620

Rasham Nassar: city attorney.

450

01:03:06.390 --> 01:03:11.490

Joe Levan: is one thing to go back to the initial emotions that are going to be brought forward.

451

01:03:12.540 --> 01:03:22.710

Joe Levan: Somewhat to revise on some of them I think it'd be helpful for me as the city attorney but i'll probably also for the deputy city attorney and for also the legal advisor to the ethics board.

452

01:03:23.220 --> 01:03:27.990

Joe Levan: To hear from the ethics board about the motion about having.

453

01:03:28.560 --> 01:03:38.460

Joe Levan: legal counsel be at each ethics board meeting because that that's that's a very unique provision we don't have that for any other committee or Commission for the city, I think it was.

454

01:03:39.300 --> 01:03:44.070

Joe Levan: It was adopted by the Council as a change to the program previously because there was a concern about.

455

01:03:44.640 --> 01:03:55.620

Joe Levan: You have explored not being focused potentially past ethics boards on on the ethics program and could could in the benefit of having a legal advisor there to assist.

456

01:03:56.430 --> 01:04:07.980

Joe Levan: What I wonder, though, is it seems like where the foot there's great value is having that legal advisor be involved in the drafting of the determinations or the opinions.

457

01:04:08.880 --> 01:04:18.270

Joe Levan: And then making because of the whole role there is to make sure that whatever is being drafted is is in compliance with and consistent with what's in the ethics Program.

458

01:04:18.960 --> 01:04:27.960

Joe Levan: So that that seems to me that's that's the the high value add that happens with the legal advisor, but I wonder in terms of having that i'm sure there's a benefit.

459

01:04:28.590 --> 01:04:37.080

Joe Levan: To having that having Andrew go to all the meetings, but I just wonder, as a matter of resources if it's if it's necessary or something that's that's really.

460

01:04:37.680 --> 01:04:52.710

Joe Levan: high value to the board into the Council, we can certainly continue to do that, but it, but it is a, it is a unique situation that we don't have in place for other committees or commissions and it is a expenditure of resources to do that, but the tickets been put on that.

461

01:04:54.210 --> 01:04:57.330

Rasham Nassar: Okay, so it sounds like sounds like we're switching gears and going back.

462

01:04:58.140 --> 01:05:11.250

Rasham Nassar: To emotion that was on the first page that we tackled so um we can absolutely do that, we have to answer that question city attorney thanks for raising it but with regard to the discussion that we were just having.

463

01:05:14.070 --> 01:05:22.020

Rasham Nassar: I didn't hear any sense of clear direction from the Council at this point what I would suggest, with regard to opium executive session.

464

01:05:22.680 --> 01:05:31.980

Rasham Nassar: kind of how the Board should be processing and discussing complaints that the board schedule that, for your discussion at your next.

465

01:05:32.940 --> 01:05:46.350

Rasham Nassar: Ethics board meeting, if you thought that there would be some benefit to that and then come back to counsel with a recommendation, after discussing with your legal your legal counsel just to make sure that whatever your recommendation is it's consistent compliant with.

466

01:05:48.030 --> 01:05:53.550

Rasham Nassar: legal advice does that sound okay if we just defer that to to the board and.

467

01:05:55.380 --> 01:05:55.680

Rasham Nassar: Okay.

468

01:05:57.390 --> 01:05:58.980

Rasham Nassar: chair, we are you can object to that.

469

01:06:01.980 --> 01:06:12.480

Tyler Weaver: don't think you're going to hear I don't think I mean wiki i'm happy to discuss it in another meeting it's definitely an issue that we have discussed before quitting as David said in in one of our recent meetings.

470

01:06:15.660 --> 01:06:28.770

Tyler Weaver: But we can discuss it again, if you want a recommendation from us, I guess, one thing that like as the Chair i'm continually wondering is what's the best communication avenue.

471

01:06:29.520 --> 01:06:34.350

Tyler Weaver: For for things like that, that the Council needs to get to us, and that I need to get the Council.

472

01:06:35.100 --> 01:06:51.750

Tyler Weaver: The Board has you know, a unique relationship with Council, I think, as opposed to any other committee just because of the nature of complaints and things that we see, so we definitely I can send a recommendation along I don't know if I should talk to Mr King or or exactly what.

473

01:06:53.370 --> 01:06:58.080

Tyler Weaver: I don't know if you want me to talk about the city attorney's question about the.

474

01:06:59.490 --> 01:07:01.680

Tyler Weaver: efficacy of having counsel with the meetings or not.

475

01:07:04.410 --> 01:07:10.710

Rasham Nassar: um yeah that right we're let's let's pause on that I just want to make your period at the end.

476

01:07:11.790 --> 01:07:19.380

Rasham Nassar: of our previous discussion and you braise another really good point, which is how we communicate with the board my understanding is that all communication happens through the city attorney's office.

477

01:07:19.800 --> 01:07:29.220

Rasham Nassar: And that's to prevent cross line communications between Council members and board members with respect to the fact that we created the board to be as independent as possible from the Council.

478

01:07:30.330 --> 01:07:33.660

Rasham Nassar: that's my understanding and had from having talked to the city attorney as well.

479

01:07:34.350 --> 01:07:43.950

Rasham Nassar: So, in terms of how of the Board would provide that recommendation to the Council, my understanding and city manager correct me if i'm wrong city attorney as well would be that you would just submit that to.

480

01:07:44.370 --> 01:07:50.880

Rasham Nassar: see your legal counsel CC city attorney or vice versa, just to provide it to the city attorneys.

481

01:07:52.410 --> 01:08:00.960

Rasham Nassar: And that those would then be provided to the city council for scheduling city manager, did you want to add to that are correct anything I said.

482

01:08:02.070 --> 01:08:06.060

Blair King: I just an observation I think you have a couple different columns types of communications.

483

01:08:06.810 --> 01:08:15.090

Blair King: The issue of having the Attorney involved in communication is because the Attorney perhaps to play it type of role as a prosecutor, representing.

484

01:08:15.660 --> 01:08:27.330

Blair King: The interest of the public in terms of these and that's why ball, the other piece is the administrative side, some of these rules and policies that you're talking about.

485

01:08:28.110 --> 01:08:45.870

Blair King: You know i'm not you know there's kind of a hazy line here between the administration and the legal side if it's something moral on line of Look, we have we've run into this issue and I think it's interesting in terms of how do we, we want to make recommendations to counsel that.

486

01:08:47.220 --> 01:08:50.940

Blair King: findings that may be exonerated people be allowed to be a public.

487

01:08:52.260 --> 01:08:58.380

Blair King: that's not necessarily we have a question that's just a policy question and I think that could be communicated through the city manager so.

488

01:08:59.280 --> 01:09:12.180

Blair King: I see those two and I don't necessarily see a bright line, other than if it's something dealing definitely with the ethical issue or complaint that is being carried forward.

489

01:09:13.380 --> 01:09:14.700

Blair King: The other thing I am.

490

01:09:17.220 --> 01:09:18.270

Blair King: And i'll just leave it at that.

491

01:09:20.100 --> 01:09:29.940

Blair King: I think the city attorney brought up some interesting points about the issue of coverage from the legal counsel, that is something that the Council is directed in order to not to backtrack.

492

01:09:30.360 --> 01:09:41.910

Blair King: And just spin our wheels on that I think that's a decision that's been apparently resolved for this point time and and certainly we want to do what the Council wants, and I think that's been resolved, I think we can go forward about.

493

01:09:44.220 --> 01:09:44.760

Rasham Nassar: Okay.

494

01:09:46.680 --> 01:09:49.470

Rasham Nassar: w Mayra topless you want to comment on the communications.

495

01:09:50.730 --> 01:09:58.590

Kirsten Hytopoulos: And I want to comment on to other things that have come up next steps, and the need for counsel at the meetings.

496

01:10:01.440 --> 01:10:04.740

Kirsten Hytopoulos: we're going to roll i'll just be brief, I mean honestly.

497

01:10:05.370 --> 01:10:15.330

Kirsten Hytopoulos: I think we'd all agree, those of us who worked on this in the beginning of last year, we didn't accomplish what we thought we'd accomplished so I feel like in a way, this is an hour court there's there's two things.

498

01:10:15.780 --> 01:10:20.700

Kirsten Hytopoulos: there's some other reforms, eventually, we should make to the program changes, but if we could at least.

499

01:10:21.210 --> 01:10:27.150

Kirsten Hytopoulos: Still own as the Council that we tried to make this version work a certain way and it's not working, that way.

500

01:10:27.420 --> 01:10:33.630

Kirsten Hytopoulos: I kind of, I guess, I would like to ask Council to own that whether you make a subcommittee or something to work with the city MIT city attorney.

501

01:10:34.140 --> 01:10:39.510

Kirsten Hytopoulos: We need to at least make it work, the way we thought it would with regards to this and the anonymity issues.

502

01:10:39.810 --> 01:10:49.740

Kirsten Hytopoulos: Such as my position rather than throw it back at the epic sport and have them make recommendations I mean if we, as a body wanted to be able to get complaints to them, how do we figure out that we get complaints to them.

503

01:10:50.070 --> 01:10:56.550

Kirsten Hytopoulos: That could be against specious complaints, so they could review we minimize minimally you there's always public records request that's different.

504

01:10:56.970 --> 01:10:59.010

Kirsten Hytopoulos: You know minimize exposure of these.

505

01:10:59.070 --> 01:11:06.420

Kirsten Hytopoulos: These complaints anyway, I think that we should be asking for some assistance from city attorney to try, for if we could give some more.

506

01:11:07.080 --> 01:11:15.090

Kirsten Hytopoulos: You know if we can make what we wanted to happen happen, and then, I guess, I would say, the reason I think that one of the reasons we do need to continue to have legal counsel at these meetings and.

507

01:11:15.690 --> 01:11:22.110

Kirsten Hytopoulos: assuming the board so once that I feel like we've put them in a position, especially it comes to Article one complaints that.

508

01:11:22.800 --> 01:11:31.590

Kirsten Hytopoulos: That it's putting them in a quasi judicial role, I think I think they're going to interpret a lot of things and, although there are lawyers your come through the process.

509

01:11:32.070 --> 01:11:43.980

Kirsten Hytopoulos: it's not the same thing, and I just think it's a it's a it's a tough job and I said, the Chair says that I think it would be helpful for them to continue to have legal counsel President during the decisions not just drafting.

510

01:11:47.190 --> 01:11:48.120

Rasham Nassar: is sitting.

511

01:11:52.500 --> 01:11:54.030

Joe Levan: On the communication issue.

512

01:11:55.770 --> 01:12:02.130

Joe Levan: sort of what the city manager was saying that you know what's unique about the course the ethics board is there's no liaison to the Council.

513

01:12:03.630 --> 01:12:15.750

Joe Levan: So I what we have set up, as you mentioned mayor, is that we have communications that occur between me and the legal advisor to the ethics board related to legal issues potentially or fall off related to legal issues.

514

01:12:16.770 --> 01:12:24.030

Joe Levan: But in terms of, say, for example, the ethics board wants to make recommendations to the Council about the Program.

515

01:12:24.690 --> 01:12:28.380

Joe Levan: About ideas about improvements to the program I think it'd be totally good.

516

01:12:28.980 --> 01:12:39.210

Joe Levan: Cheney clear line of communication would be from the Chair of the ethics board to the city manager and then city manager them could make that known to the rest of the Council, I think that that'd be a good process.

517

01:12:39.780 --> 01:12:46.140

Joe Levan: And I think, because that wouldn't need to go through the city attorney's office I think that'd be a better process that'd be my recommendation.

518

01:12:47.820 --> 01:12:48.720

Rasham Nassar: Okay, and it.

519

01:12:49.290 --> 01:12:57.750

Rasham Nassar: It sounds like we don't have this we don't have a communications process written the prescribed in the program not that i'm aware of so we've just sort of been.

520

01:12:58.590 --> 01:13:12.510

Rasham Nassar: Dealing dealing with it, as it comes, I think it would be really helpful to have that written down and to clarify what communication should be channeled through the city manager and which should be different through the city attorney's office to reach the Council.

521

01:13:13.560 --> 01:13:23.490

Rasham Nassar: I don't know if that's something that staff can draft in terms of a recommendation, and then that could maybe appear as one of the emotions that we adopt in terms of data and changes to the Program.

522

01:13:23.520 --> 01:13:24.300

Rasham Nassar: When this comes back.

523

01:13:25.170 --> 01:13:26.550

Joe Levan: To do that, and.

524

01:13:27.960 --> 01:13:29.190

Rasham Nassar: i'm chair Weaver.

525

01:13:30.270 --> 01:13:36.930

Tyler Weaver: yeah I just want a second, that it would be great if we if we had something in writing, so it was clear and I don't have to.

526

01:13:37.590 --> 01:13:47.400

Tyler Weaver: wonder who to send something like get clarity on what the agenda is for the night by sending it to the entire Council and the city manager, who had been appointed the day before, or maybe even that day.

527

01:13:49.980 --> 01:14:00.240

Tyler Weaver: I personally would really appreciate that I think the board would appreciate having some sort of clear guidance on what what the proper avenue is on the issue of having an attorney there with us.

528

01:14:02.790 --> 01:14:08.550

Tyler Weaver: And I can say we use Andrew you know non stop I don't know how he feels about being there all the time, but.

529

01:14:09.900 --> 01:14:17.790

Tyler Weaver: There are certainly points and most meetings where we have to turn to him with a question and we certainly have him involved in the.

530

01:14:18.750 --> 01:14:31.050

Tyler Weaver: In the writing of every of every determination they'll go through him first, and I think frankly from his in my be easier to deal with that, having been in our meetings honestly.

531

01:14:33.000 --> 01:14:35.970

Tyler Weaver: So i'm for for Andrew being there.

532

01:14:37.800 --> 01:14:39.510

Tyler Weaver: Having having our Council there.

533

01:14:40.830 --> 01:14:41.550

Tyler Weaver: If we can have it.

534

01:14:43.290 --> 01:14:44.220

Rasham Nassar: that's a member pollock.

535

01:14:45.150 --> 01:14:52.740

Michael Pollock: Now I appreciate that I think it's always great to have a lawyer in a room on been thinking about allocation of resources and.

536

01:14:53.760 --> 01:14:58.710

Michael Pollock: They don't need to be the most of the time, so I would think we could be a little more judicious.

537

01:14:59.880 --> 01:15:09.900

Michael Pollock: It seems like if there's questions that come up that they could be referred to and brought up later there might be some timing issues, I know you guys try to get a quick response but.

538

01:15:10.710 --> 01:15:26.460

Michael Pollock: It does seem a little bit much, in my opinion, that have one of our two attorneys spending this much time on the average program, especially when it's supposed to be educational so I I wouldn't be supportive of putting positions.

539

01:15:27.270 --> 01:15:37.860

Michael Pollock: You know, giving a training to ethics board members and maybe having a requirement that there'd be maybe you know, two or three Members with some sort of.

540

01:15:38.160 --> 01:15:45.690

Michael Pollock: hearings officer or administrative law judge experience or some some sort of you know at least legal experience so that that there's.

541

01:15:46.140 --> 01:16:02.490

Michael Pollock: That there's someone there that can fill out all but I guess, I am a little concerned that we spread our staff pretty thin and I do question how how the stacks up in the priorities in terms of what we want our legal team have to to focus on.

542

01:16:04.260 --> 01:16:06.030

Rasham Nassar: councilmember deets yeah.

543

01:16:06.060 --> 01:16:16.080

Joe Deets: Thank you, Mary yeah, I just wanted to share again I was before I was on Council I was on the ethics board I was chair and we had the Attorney at our meetings so.

544

01:16:17.370 --> 01:16:18.450

Joe Deets: That includes so.

545

01:16:20.070 --> 01:16:29.250

Joe Deets: That was the practice back to back Day and it seemed to remember really being appreciative at the Attorney was there, so I want to share that.

546

01:16:30.720 --> 01:16:31.710

Rasham Nassar: councilmember snyder.

547

01:16:32.790 --> 01:16:46.830

Leslie Schneider: Thank you, I guess, I too would support having our deputy city attorney attend to the meetings I think it's a fairly recent change that we don't have a Council liaison and that's for good reason.

548

01:16:49.110 --> 01:16:51.000

Leslie Schneider: You know if there is a serious.

549

01:16:52.920 --> 01:17:10.590

Leslie Schneider: At least for the next six months or a year, we could put some sort of a reevaluation on it at some point if we wanted to say okay what we've gotten through a lot of transition, and maybe there's a lot more that's written down now and and maybe at that point, the ethics.

550

01:17:10.800 --> 01:17:14.040

Leslie Schneider: board could say that they're comfortable moving forward.

551

01:17:14.100 --> 01:17:17.160

Leslie Schneider: Without with certain meetings, not having.

552

01:17:18.330 --> 01:17:23.790

Leslie Schneider: A deputy city attorney there but anyway, my vote would be to maintain that resource.

553

01:17:25.290 --> 01:17:32.490

Leslie Schneider: At least for the next year and then we could re evaluate if we felt like we needed to at that point.

554

01:17:33.690 --> 01:17:34.290

Leslie Schneider: Thank you.

555

01:17:34.860 --> 01:17:35.820

Rasham Nassar: board member keating.

556

01:17:36.930 --> 01:17:40.770

Dona Keating: I hadn't waited on this, I just wanted us to say that I also believe that.

557

01:17:41.940 --> 01:17:46.260

Dona Keating: Andrew has provided a great service to our board on lens and air of.

558

01:17:47.400 --> 01:17:55.890

Dona Keating: credibility to it and also some level of balance, because we already receive you know complaints about our objectivity and.

559

01:17:56.130 --> 01:18:03.780

Dona Keating: I think that, knowing that someone is there at the meeting and knowing that someone is actually reviewing our determination letters and our advisory opinions.

560

01:18:04.200 --> 01:18:14.550

Dona Keating: Actually, is a benefit to us, and I also recall that in the criteria for applying for Ethics board that there's a certain level of experience.

561

01:18:14.940 --> 01:18:19.890

Dona Keating: In the legal arena, or something that's required, and I think there's also something in there that says that at least one Member.

562

01:18:20.340 --> 01:18:29.400

Dona Keating: has to be in a legal position or a quasi judicial type role, so there are several people on our board, who have been in the legal profession that are attorneys.

563

01:18:29.730 --> 01:18:36.840

Dona Keating: That have ethics experience, so I think that as long as you know you continue to do something like that, and then have someone that has some oversight.

564

01:18:37.140 --> 01:18:45.270

Dona Keating: I think that it will go a long way towards making sure that the public trusts what we're doing and making sure that we actually stay on point with with our mission.

565

01:18:47.190 --> 01:18:47.850

Rasham Nassar: city manager.

566

01:18:48.960 --> 01:18:59.130

Blair King: Oh yes, thank you, we are again, I do not want to go back and revisit the emotion that was made, I think that Stan my concern is an issue of scope creep and.

567

01:18:59.790 --> 01:19:06.420

Blair King: An ad is typically we try to use the city attorney and deploy the city attorney when there's the possibility of risk of litigation.

568

01:19:06.750 --> 01:19:13.230

Blair King: And my experience, the possibility of risk of litigation comes when property rights are involved, for example, the planning Commission.

569

01:19:13.950 --> 01:19:25.980

Blair King: Normal we have an agenda and we'll see that agenda and, in my opinion, there could be an issue that will present a possibility that there could be litigation ball, I would ask the city attorney to cover that.

570

01:19:27.210 --> 01:19:38.340

Blair King: If going forward, we see that we have instances where there is a chance that, by not having an attorney at a body or board meeting.

571

01:19:38.790 --> 01:19:47.160

Blair King: That we would run the risk of increased exposure to litigation i'll ask the city attorney to attend at the city attorney says, you know.

572

01:19:47.640 --> 01:19:56.190

Blair King: that's beyond our capacity, then that might be the time that I would want to return to the castle and say, do you want to revisit that so for right now again.

573

01:19:56.880 --> 01:20:08.400

Blair King: The decision has been made that's fine i'm just looking into the future, with the possibility, like presented itself again when there's a risk of litigation and typically that occurs when property rights or won't.

574

01:20:11.940 --> 01:20:12.480

Rasham Nassar: So.

575

01:20:14.910 --> 01:20:17.160

Rasham Nassar: I don't know that all Council members have weighed in.

576

01:20:18.240 --> 01:20:33.570

Rasham Nassar: But it would be nice if we can wrap this discussion i've been again, the question is, are we moving the motion forward to adopt into the program that legal counsel will be provided at every meeting we present in every meeting of the ethics board.

577

01:20:35.280 --> 01:20:36.390

Rasham Nassar: Deputy Mayor had topless.

578

01:20:37.110 --> 01:20:46.200

Kirsten Hytopoulos: I know i've already weighed in but I kind of wanted to address, something that counselor pollock said, I just want to point out that that so long, I mean well this is supposed to be educational and everyone's working hard for that.

579

01:20:46.650 --> 01:20:58.980

Kirsten Hytopoulos: The fact is, it is, it is weaponized and it can cause a lot of harm to us and so to go to the city city manager's point about risk litigation might not be at risk of litigation as a safe in a city, although it might.

580

01:20:59.430 --> 01:21:12.720

Kirsten Hytopoulos: But it has some severe consequences for us, I mean especially this is for professionals in the Community and our reputations are at stake, so that's whether it's really important to me that there's as much professionalism and advice and support for the for the board as possible.

581

01:21:14.520 --> 01:21:15.330

Rasham Nassar: councilmember card.

582

01:21:17.970 --> 01:21:26.730

Christy Carr: Thanks it sounded like the ethics board members appreciate the presence of legal counsel at their meetings and so there's two.

583

01:21:27.510 --> 01:21:29.280

Christy Carr: From my perspective, some value there.

584

01:21:30.090 --> 01:21:43.980

Christy Carr: I appreciate the city managers input and I think that perhaps we could land somewhere in the middle light Council member Schneider suggested and put a time limit on it so that we can reevaluate particularly related to staff resources.

585

01:21:44.460 --> 01:21:53.010

Christy Carr: I know that we have to be, we have to pick and choose how we spend our staff time, so I think that if we want to.

586

01:21:54.870 --> 01:22:01.080

Christy Carr: Be in favor of moving the motion forward and potentially adding some sort of time limit for evaluation.

587

01:22:03.840 --> 01:22:12.060

Brenda Fantroy-Johnson: Capital report are Johnson yes i'm also in favor of moving it forward I like the idea of having a balance there and having.

588

01:22:12.810 --> 01:22:23.400

Brenda Fantroy-Johnson: The Deputy attorney there to provide legitimacy to what they're doing and I think if you know, even though there might not be land involved, I think that.

589

01:22:24.180 --> 01:22:39.030

Brenda Fantroy-Johnson: pretty much what costume Mr Thomas said, I mean we're we're the ones that these complaints may be coming our and and you know, I think, having an attorney there to sift through what's going on is going to protect us, in the long run.

590

01:22:42.660 --> 01:22:52.920

Rasham Nassar: Okay, I think i'm hearing Council support and nothing's board members, support for moving that motion forward I don't know if Councils interested at this point in time and deciding on a CAP date.

591

01:22:54.150 --> 01:23:07.200

Rasham Nassar: For that, for that motion to be included in the program per councilmember car and schneider's recommendation that we would obligate ourselves to address it again in a period of six months to a year.

592

01:23:08.130 --> 01:23:23.160

Rasham Nassar: Or if we just leave it as it is and we can discuss that at the business meeting when that motion is made somebody could move move to amend it to include that date, if that's something that we thought we would like to add city attorney do you want to comment on this.

593

01:23:23.910 --> 01:23:35.160

Joe Levan: I think, because that's what the same manager said just bring back the motion as it is and then at that time, if the Council wants to revise it or amended to put some book and of time on it and then that would be appropriate.

594

01:23:36.870 --> 01:23:37.920

Rasham Nassar: deputy very high topless.

595

01:23:38.550 --> 01:23:41.400

Kirsten Hytopoulos: um I would point out that if i'm not mistaken, that.

596

01:23:41.430 --> 01:23:43.500

Kirsten Hytopoulos: The program has an annual review.

597

01:23:43.740 --> 01:23:52.380

Kirsten Hytopoulos: already built in, so we can just track this that annually, when we review how the programs going to review whether or not need the Council is still needed.

598

01:23:53.460 --> 01:23:54.450

Rasham Nassar: Okay, I.

599

01:23:55.890 --> 01:24:00.780

Rasham Nassar: totally support that that makes sense um does anyone object to that.

600

01:24:02.430 --> 01:24:08.850

Rasham Nassar: No so city attorney can you can you just add that in as the date by which Council will revisit.

601

01:24:09.780 --> 01:24:11.310

Rasham Nassar: That particular change.

602

01:24:11.730 --> 01:24:19.140

Joe Levan: I could or or I think what a deputy, are you saying that it's just it's already baked in because there's already an annual review that's occurring.

603

01:24:19.590 --> 01:24:31.800

Joe Levan: And I could also just make a note of this, so that, at that point that that happens, for example, I could provide because, just to clarify to puke Council Members have referred to the deputy city attorney providing the service, which used to happen.

604

01:24:32.430 --> 01:24:39.120

Joe Levan: Before Robbie left but, since he left have had Andrew outside counsel providing this function and he's been doing a great job.

605

01:24:39.690 --> 01:24:47.280

Joe Levan: I want to make sure everyone knows that that I totally respect what he's doing, I know that he's contributing a very high level professionalism to those meetings.

606

01:24:47.850 --> 01:24:57.780

Joe Levan: But that's that isn't additional cost, so I could I could bring that information to you all, as part of that annual report and then the other be a way to assess it as well how much money, are we spending on that function.

607

01:24:59.160 --> 01:25:01.200

Rasham Nassar: yeah I think I think that sounds great city attorney.

608

01:25:02.730 --> 01:25:03.030

Joe Levan: Okay.

609

01:25:03.060 --> 01:25:04.920

Rasham Nassar: So are we ready to move on from that.

610

01:25:06.030 --> 01:25:13.770

Rasham Nassar: Okay, and we've got communication sold so we're going to go back even further now and pick up that.

611

01:25:15.000 --> 01:25:19.830

Rasham Nassar: The anonymous piece we didn't really put a period on the end of that, I propose that the ethics board.

612

01:25:20.400 --> 01:25:24.540

Rasham Nassar: Members just take it up and provide a recommendation to the Council through the city attorney's office.

613

01:25:25.260 --> 01:25:36.900

Rasham Nassar: who had tabula suggested that we instead consider forming a Council on ad hoc committee to take up and bring back a recommendation to the Council.

614

01:25:37.710 --> 01:25:43.800

Rasham Nassar: there'd be a third option, which is that we could form something similar to the joint land use planning, Commission, Council subcommittee where we.

615

01:25:44.130 --> 01:25:57.930

Rasham Nassar: Had a subcommittee comprised of Council members and ethics board members, and then they would jointly provide a recommendation to the Council related to that issue so there's three options, and I think our job tonight is to kind of land on one.

616

01:25:59.370 --> 01:25:59.970

Rasham Nassar: Care Weaver.

617

01:26:01.560 --> 01:26:04.800

Tyler Weaver: Having heard those three options, I think.

618

01:26:06.180 --> 01:26:12.390

Tyler Weaver: I think the Council really I think this is a fundamentally a policy issue for the Council and.

619

01:26:14.100 --> 01:26:20.460

Tyler Weaver: We haven't discussed it as a board, I personally would feel a little weird proposing to you how our meeting should be held.

620

01:26:21.300 --> 01:26:31.500

Tyler Weaver: and suggesting policy to the Council, I think, either be Councils and take it up or there should be a joint session between the ethics board and.

621

01:26:32.340 --> 01:26:44.430

Tyler Weaver: Or you know subcommittee of a couple of us in a couple of view the talk about that issue, I feel I personally would feel much more comfortable with the Council, having been a participant in the recommendations in the process.

622

01:26:46.110 --> 01:26:47.280

Rasham Nassar: David America topless.

623

01:26:48.000 --> 01:26:58.290

Kirsten Hytopoulos: It just to be clear, I always say well to the two parts one is broader changes and brainstorming who knows what that would be great to have a joint committee and I would love to be on that.

624

01:26:59.010 --> 01:27:02.280

Kirsten Hytopoulos: I guess, I was saying earlier, we tried to accomplish something I mean.

625

01:27:03.150 --> 01:27:11.370

Kirsten Hytopoulos: city attorney was referencing so the conversations he and I had in intro wrestling with how to make this happen, I believe the Council tried to make something happen, a year ago.

626

01:27:11.850 --> 01:27:21.090

Kirsten Hytopoulos: it's not it's not happening, and I think we actually legal advice on could we craft something and make that happen, how could we you know what you know where.

627

01:27:21.690 --> 01:27:24.270

Kirsten Hytopoulos: Complaints go when and if they're redacted what you know.

628

01:27:24.990 --> 01:27:34.530

Kirsten Hytopoulos: Can there be executive sessions sometime whatever it is, we need the tools to effectuate our intent I don't think the program is functioning, the way we thought it would right now.

629

01:27:34.830 --> 01:27:44.820

Kirsten Hytopoulos: And that's just the way it was drafted it's it's not certainly not the board's fault so that's what i'm asking for, I see two different things, one is exploring all kinds of potential changes and.

630

01:27:45.660 --> 01:27:55.110

Kirsten Hytopoulos: For the program That would be a subcommittee but to me i'd like to make requests of the city attorney if they have counseled would agree that could you help us make happen what we were trying to make happen before.

631

01:27:55.680 --> 01:28:02.940

Kirsten Hytopoulos: And I guess before I be quiet i'm just going to say, I want to play it yes there's always their public records, they can always be found and asked for.

632

01:28:03.450 --> 01:28:07.800

Kirsten Hytopoulos: But what as we've talked about before there's a distinction between putting them all over the place and.

633

01:28:08.760 --> 01:28:22.470

Kirsten Hytopoulos: Putting them out in the newspapers sending them an email, you know versus someone has to ask for them, so I think that that was perfect and just keeping things as as private as possible while they're just accusations I think that's what the Council wanted to do.

634

01:28:23.970 --> 01:28:24.720

Rasham Nassar: city attorney.

635

01:28:26.220 --> 01:28:30.390

Joe Levan: So more than happy to work with the Council to to.

636

01:28:31.530 --> 01:28:37.170

Joe Levan: effectuate the intent, as the Deputy Mayor just mentioned, but for me right now i'm not sure what the intent is.

637

01:28:37.590 --> 01:28:42.870

Joe Levan: But by majority of the Council so that's kind of the know got a chicken and egg situation here unless.

638

01:28:43.560 --> 01:28:56.820

Joe Levan: it's clear to the Council with that intent is I get i'm getting the sense that there's it'd be helpful to have some kind of anonymity or protection of named parties as part of the ethics Program.

639

01:28:57.630 --> 01:29:14.790

Joe Levan: And look for ways to do that, but to what extent I mean to in all cases and provide as much as if you're asking for this and we can provide some recommendations, but is it to it goes go as far as legally possible to protect the identity of anyone was making a complaint.

640

01:29:17.100 --> 01:29:18.000

Rasham Nassar: councilmember bullet.

641

01:29:19.950 --> 01:29:28.380

Michael Pollock: Right, well, I know that's a good question, how do you make a determination essentially a kind of an unlimited complaint.

642

01:29:29.190 --> 01:29:44.880

Michael Pollock: I think it was mentioned, with the fall court rules, but I think there's a larger question in terms of who we want to be allowed to make a complaint, at least in my mind, and whether we want to limit that to resonance of being the giant.

643

01:29:46.320 --> 01:29:52.860

Michael Pollock: Because that's what this program is about it's about our Community so right now, I think it leads anybody can make that point.

644

01:29:53.670 --> 01:30:10.590

Michael Pollock: And that's what happened here with someone made a complaint that didn't know that our Community, so I don't know what the answer is sort of the right answers, but that in this past instance that would to have concluded that particular.

645

01:30:11.820 --> 01:30:25.260

Michael Pollock: complaint from being processed so again I don't know if I answered it, but that to me it feels like this is about our Community and our ethical standards, and it should be limited to people.

646

01:30:28.890 --> 01:30:45.240

Rasham Nassar: And I think that I think the question that was posed by the city attorney was around Councils intent and weight and the Council hasn't I mean We probably all have different variations on what the intent of the program is is related to.

647

01:30:46.500 --> 01:30:52.200

Rasham Nassar: Our desire to preserve protect the anonymity of those being complained about maybe not.

648

01:30:53.940 --> 01:31:00.600

Rasham Nassar: I think the question for us is how do we want to address that or we should be scheduled that for a follow up discussion.

649

01:31:02.040 --> 01:31:19.530

Rasham Nassar: or would we like to form a Council ad hoc committee and so that Council ad hoc committee include members of the ethics board and we take this discussion offline and I recommend recommendation would be provided back, and if that committee would be working with the benefit of legal counsel.

650

01:31:20.550 --> 01:31:30.240

Rasham Nassar: I think there's some options there I don't think we're going to solve it tonight I don't want to try and solve it tonight I hope everyone can we can agree to that, I think that's a really big conversation.

651

01:31:31.650 --> 01:31:42.360

Rasham Nassar: And maybe Deputy Mayor had topless you could propose a solution for how to move that discussion forward in a way that also gets us out of here by our schedule the German time.

652

01:31:43.380 --> 01:31:48.450

Kirsten Hytopoulos: Sure, I think we should form an a joint ad hoc committee and.

653

01:31:49.860 --> 01:31:50.130

Kirsten Hytopoulos: yeah.

654

01:31:52.020 --> 01:32:04.440

Rasham Nassar: Okay, and that is something we can absolutely do tonight, so we would be looking for um let's see there, there are currently four or five members of the ethics board but one yeah.

655

01:32:04.950 --> 01:32:14.880

Tyler Weaver: Well there's three of us who are confirmed through June, a fourth who is waiting to hopefully be confirmed, and a fourth was leaving right now.

656

01:32:16.230 --> 01:32:17.040

Rasham Nassar: So.

657

01:32:17.250 --> 01:32:22.470

Rasham Nassar: What a forum is a quorum of the of the whole total body membership city attorney.

658

01:32:26.040 --> 01:32:31.800

Joe Levan: Yes, so I mean if you're talking about an ad hoc mean maybe a couple couple of Members from each body okay.

659

01:32:32.850 --> 01:32:34.650

Rasham Nassar: So it could be agree on two and two.

660

01:32:36.660 --> 01:32:43.200

Rasham Nassar: And then, and then the and then the question becomes who are those two into, so I would just look for raised hand volunteers.

661

01:32:44.370 --> 01:32:47.130

Rasham Nassar: Deputy Mayor had topless there's one.

662

01:32:49.320 --> 01:32:58.890

Rasham Nassar: Council member deeds, thank you very much okay we've got our Council members taken care of ethics board members chair Weaver and board member keating.

663

01:33:00.840 --> 01:33:10.800

Rasham Nassar: And I assume that we have to, we have to actually form that committee correct so that would be included that process would be undertaken and confirmed that the next meeting, the follow up meeting.

664

01:33:11.880 --> 01:33:14.340

Joe Levan: Yes, where you could do that now, it depends what you want to do.

665

01:33:16.050 --> 01:33:20.400

Rasham Nassar: um well, we could put that motion on the floor, I would be add living.

666

01:33:26.280 --> 01:33:27.090

Rasham Nassar: I can give it a shot.

667

01:33:30.300 --> 01:33:34.290

Rasham Nassar: I move to create a joint subcommittee.

668

01:33:35.400 --> 01:33:56.160

Rasham Nassar: comprised of two Council members Deputy Mayor had toplless and Council member deets and to ethics board members chair Weaver and board member keating to return the Council with a recommendation and provide clarification on the intent of the program as relates to the.

669

01:33:57.660 --> 01:34:02.250

Rasham Nassar: anonymity of process of handling complaints.

670

01:34:05.730 --> 01:34:07.740

Rasham Nassar: Customer family Johnson second that motion.

671

01:34:08.940 --> 01:34:10.860

Rasham Nassar: Is there any further discussion.

672

01:34:12.720 --> 01:34:13.440

Rasham Nassar: city attorney.

673

01:34:14.460 --> 01:34:20.220

Joe Levan: I just want to make clear the first of this meeting is a special meeting that this Council is bringing this motion.

674

01:34:20.820 --> 01:34:32.940

Joe Levan: In direct relation to the agenda item which is to consider these pending motions and to them to amend the the operating rules because it relates to this anonymity issue, which is part of that discussion.

675

01:34:33.600 --> 01:34:38.700

Joe Levan: posts so it's not a new item is directs it relates directly to the discussion you've been having.

676

01:34:39.720 --> 01:34:42.450

Rasham Nassar: Thank you for that clarification any further discussion.

677

01:34:44.550 --> 01:34:46.890

Rasham Nassar: Okay Council members all those in favor please say Aye.

678

01:34:49.560 --> 01:34:50.100

Rasham Nassar: Any vote.

679

01:34:51.960 --> 01:34:52.980

Rasham Nassar: So that motion passes.

680

01:34:52.980 --> 01:34:53.700

unanimously.

681

01:34:55.290 --> 01:34:55.590

Joe Deets: Great.

682

01:34:56.430 --> 01:34:57.030

progress.

683

01:34:59.340 --> 01:35:00.630

Rasham Nassar: Okay i'm.

684

01:35:02.010 --> 01:35:02.610

Rasham Nassar: pull back.

685

01:35:03.750 --> 01:35:06.300

Rasham Nassar: At my agenda here one moment.

686

01:35:08.220 --> 01:35:16.920

Rasham Nassar: I'm not seeing that we have anything else to discuss I think we've worked our way through the materials chair Weaver did you want to raise anything or.

687

01:35:17.850 --> 01:35:18.210

um.

688

01:35:19.680 --> 01:35:28.350

Tyler Weaver: Two things first if I'm hoping that we can maybe get the rest of the Board filled out, it would really help us in getting our work done.

689

01:35:29.760 --> 01:35:37.410

Tyler Weaver: I know that there's been some delay in that, but I'm hopeful that things can move forward as far as maybe getting us the the Members that we need.

690

01:35:39.510 --> 01:35:49.680

Tyler Weaver: In addition, there was discussion at our last meeting about training and it was it was primarily with the interim city manager and there was a process that we had outlined, that.

691

01:35:52.170 --> 01:35:57.930

Tyler Weaver: We would like to get working on I, but I think what we probably need to bring the current city manager up to speed.

692

01:36:01.020 --> 01:36:07.020

Tyler Weaver: You know if people were fine with me, working with him on the process that we discussed at the last meeting.

693

01:36:08.820 --> 01:36:10.530

Tyler Weaver: You know i'd be happy to do that.

694

01:36:13.530 --> 01:36:26.220

Rasham Nassar: yeah I think that's something that we've already agreed upon correct so we've we're we're just waiting for that to be implemented, so I think that sounds like exactly what needs to happen um city manager, did you have any comments to that or no.

695

01:36:26.880 --> 01:36:37.290

Blair King: No i'd be happy to talk about the training and and we can explore the objectives of the training what we hope to accomplish with it, and we can look towards gems my path to.

696

01:36:41.370 --> 01:36:45.600

Rasham Nassar: Anything else from bad to Council members or ethics board members.

697

01:36:47.190 --> 01:36:57.900

Rasham Nassar: I don't see any other hands raised so i'm going to call this meeting adjourned Thank you so much, everyone for being here tonight, thank you, members of the public for watching see you all next time.