I. CALL TO ORDER.

There being a quorum, Chairman Schwartz called the meeting to order at 6:07 p.m.

II. APPROVAL OF MINUTES FROM MAY 16, 2017.

The Commission reviewed the minutes of the May 16, 2017 meeting. Chairman Schwartz recommended revisions be made to the minutes. Motion made by Chairman Schwartz and seconded by Mr. Warach to approve the minutes as revised. Motion passed.

III. STATUS REPORT REGARDING REVISED ETHICS COMPLAINT FORM.

Jessica Cordova reported to the Commission that the new Ethics Complaint Form is now online and showed the Commission where the form can be found on the Ethics Review Commission website, the City Clerk’s website and the City Attorney’s website.

IV. DISCUSSION AND ACTION REGARDING FAQ’S TO BE ADDED TO ETHICS REVIEW COMMISSION WEBSITE.

Mrs. Elizabeth Ruhmann provided the Commission with a redlined version of the frequently asked questions that included recommendations from Rev. Lilley and Mr. Bray. Chairman Schwartz provided his recommended changes in writing.
Mr. Telles asked that the frequently asked questions, once posted, be reviewed periodically to be updated depending on trends without having to come to the Commission for approval. Mrs. Ruhmann responded that it would be possible as there is no requirement in the ordinance.

Ms. Lilley requested clarification regarding the Ethics Hotline and whether it is for the use of the public or employees. Ms. Ruhmann explained anonymous complaints can be submitted to the Ethics Hotline which are handled by a third party and referred to the Internal Auditors office. Mrs. Ruhmann explained that the Ethics Hotline is really a complaint line and that complaints made on that line will not reach the Commission.

Mr. Telles expressed his concern that the complaints reported on the Ethics Hotline are handled internally by a city department and they should be handled by an external party for review. Mr. Schwartz explained that complaints made on the Ethics Hotline will not reach the Ethics Review Commission. Mrs. Ruhmann explained that a person wanting to file an ethics complaint through the Ethics ordinance will be referred to the Ethics Review Commission complaint procedures.

Ms. Ruhmann explained that the language in the question can be clarified. Mr. Schwartz requested that the language be clarified to explain that that the hotline is a complaint line that is not likely to reach the Ethics Review Commission.

The Commission agreed to review the recommendations and tabled the item for the next meeting.

V. DISCUSSION AND ACTION REGARDING PROPOSED AMENDMENTS TO THE ETHICS ORDINANCE.

Mrs. Ruhmann provided the Commission with a redlined version of the ethics ordinance showing the changes recommended by the Commission at the last meeting. The Commission reviewed the proposed changes and made further recommendations for amendments to the Ethics Ordinance.

The Commission discussed the proposed language regarding an appeal from the City Attorney’s dismissal of an ethics complaint. The Commission requested that language be added specifying that the appeal will go to the Ethics Review Commission at the next scheduled meeting. Chairman Schwartz recommended an appeal form be created to allow for a standardized method of filing an appeal. Ms. Ruhmann suggested that the appeal form can be sent to the complainant along with the City Attorney’s notice of dismissal. The Commission also discussed the request for reconsideration from a decision of the Ethics Review Commission. It was also recommended that form be created to standardize this process.

Chairman Schwartz requested that the remainder of the changes to the Ethics Ordinance previously considered by the Commission be added to the current draft. Changes include the prohibition from returning to council after leaving the city and the requirement of cooperation during the hearing process.

Chairman Schwartz requested that a provision be added to the ordinance concerning public comment. Mrs. Ruhmann explained that the Rules of Order would be the appropriate place to
have such language. The Commission requested a copy of the Commission’s Rules of Order. Mrs. Ruhmann agreed to provide the rules to the Commission prior to the next meeting.

The Commission discussed the penalties section of the ordinance and discussed the length of time that a letter be kept in an employee’s personnel file. The Commission recommended that the letter be kept permanently in the file.

The Commission requested that the draft ordinance be sent ahead of time to allow the Commissioners time to review and provide comments and redline revisions.

VI. DISCUSSION AND ACTION REGARDING A REQUEST THAT CITY COUNCIL EMPOWER THE ETHICS REVIEW COMMISSION TO SELECT LEGAL COUNSEL TO REVIEW AND EVALUATE COMPLAINTS FILED PURSUANT TO SECTION 2.92.080 WHICH CREATE A CONFLICT WITH THE CITY ATTORNEY'S OFFICE AND REQUIRE RETENTION OF OUTSIDE COUNSEL.

Mrs. Ruhmann advised the Commission that this item is still pending as Mrs. Firth wants to brief the new council members and will provide a report at a future date.

VII. UPDATE FROM CITY ATTORNEY REGARDING PENDING ETHICS COMPLAINTS:
   a. ETHICS COMPLAINT BY CASSANDRA HERNANDEZ-BROWN FILED ON JANUARY 30, 2017 AGAINST JAIME BARCELAU

Mrs. Ruhmann advised the Commission that this complaint has been referred to the City Prosecutor and a hearing has been set.

   b. ETHICS COMPLAINT BY NOEL RUTH ROSENBAUM FILED ON JUNE 8, 2017 AGAINST ROBERT CORMELL

Mrs. Ruhmann advised the Commission that this complaint has been referred to the City Prosecutor and a hearing has not been set.

VIII. UPDATE FROM OUTSIDE COUNSEL REGARDING PENDING ETHICS COMPLAINTS:
   a. ETHICS COMPLAINT BY PATRIZIA HIGHTOWER FILED ON MAY 10, 2017

Mrs. Ruhmann explained that Mr. Bojorquez has denied the complaint filed by Patricia Hightower.

IX. DISCUSSION AND ACTION REGARDING FUTURE MEETING DATES.

The next meeting was scheduled for August 29, 2017, at 6:00 p.m. in the Main Conference Room.
X. ADJOURNMENT.

Being no further business a Motion is made by Robert Warach to adjourn the meeting, seconded by Emmanuel Echeverria and unanimously carried to adjourn the meeting at 7:55 p.m.

Date Approved: ____________________