NOTICE OF PUBLIC MEETING
CITY OF PHOENIX
ETHICS COMMISSION

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the **ETHICS COMMISSION** and to the general public, that the **ETHICS COMMISSION** will hold a Hybrid meeting open to the public on **November 19, 2026, at 3:00 p.m.**

OPTIONS TO ACCESS THE MEETING

- **Call-in to listen** to the live meeting: Dial 1-415-655-0001, Enter meeting access code 2344 571 5240 and press # again when prompted for the attendee ID.

- **Observe the live meeting virtually**, by clicking on the following link and registering to join the meeting online: https://cityofphoenix.webex.com/weblink/register/r7d5ca4c8c8bafc143d03374870417876

- If you would like to attend in person at Phoenix City Hall, 12th Floor, Central Conference Room 200 W. Washington St., Phoenix, Arizona, **please RSVP to ethics.commission@phoenix.gov.**

- **Register to speak and/or submit a comment** on an agenda item:
  - Contact: Melanie Hagedoorn
  - At: (602) 262-7684
  - Email: ethics.commission@phoenix.gov
  - By: 11:00 a.m. on November 19, 2026

Public Comment: If you wish to provide a written comment or speak at the meeting virtually or by phone, please submit a request to ethics.commission@phoenix.gov or call (602) 262-7684 no later than 11:00 a.m. on November 19, 2026. The email or phone call should include your first and last name, email address, the item number(s) and whether you would like your comment read into the record or if you wish to speak.

Please take notice that in order to preserve the integrity of the investigation process and pursuant to the City Code, all information related to an Ethics Inquiry is required to remain confidential until there is final action by the Commission; therefore, the Commission will not take public comment on Agenda items regarding pending ethics inquiries. Written comments may be submitted at any time to the Commission inbox at ethics.commission@phoenix.gov.

Additional information can be found at https://www.phoenix.gov/ethics.

Executive Session

The Ethics Commission may vote to convene into executive session (which will not be open to the public) pursuant to A.R.S. Section 38-431.03(A)(2) or (A)(3) for discussion or consideration of any items on the agenda, at any time during the meeting. The Ethics Commission must take action on an agenda item in open session. Items on the agenda may be discussed out of order unless they have been specifically noted to be set for a certain time.

The agenda for the meeting is as follows:

1.	Call to Order/Roll Call	Chair
2.	Approval of Meeting Minutes from October 22, 2026 **Discussion and Possible Action**	Chair
3.	Staff Update **Information and Discussion**	Staff
4.	Review of Current Ethics Inquiries **Discussion and Possible Action** 1. EC-26-02 2. EC-26-03 3. EC-26-04	Chair
5.	Procedures for Posting Resolved Ethics Commission Inquiries **Information and Discussion**	Chair
6.	Confidentiality Provisions within the Ethics Commission Ordinance and Rules of Procedure **Information and Discussion**	Chair
7.	Review of Draft Revisions Based on Commission Direction **Discussion and Possible Action**	Chair
8.	Authority to Appoint Legal Counsel / Investigator **Discussion and Possible Action**	Chair
9.	Call to Public	Chair
10.	Future Agenda Items and Meeting Dates	Chair
11.	Adjournment	Chair

For further information, please contact Melanie Hagedoorn at (602) 262-7684 or via electronic mail at ethics.commission@phoenix.gov. For reasonable accommodation or translation services, please contact Melanie Hagedoorn at (602) 262-7684 or TTY: 7-1-1 as early as possible to coordinate needed arrangements.

11/10/2026

CITY OF PHOENIX
ETHICS COMMISSION
Summary Minutes
October 22, 2026

Phoenix City Hall
12th Floor, Central Conference Room
200 W Washington St.
Phoenix, AZ 85003

Committee Members Present	Committee Members Absent
Patricia Sallen, Chair	
Peter Schirripa, Vice Chair	
Ann Hart	
Jose Samuel (Sam) Leyvas III	

1. Call to Order/Roll Call

Chairwoman Patricia Sallen called the meeting to order at 3:05 p.m. with Vice Chairman Peter Schirripa present. Commissioner Sam Leyvas and Commissioner Ann Hart joined virtually.

Elizabeth Nillen, Commission Attorney, stated members of the public may speak for up to two minutes on agenda items, aside from agenda items on the pending inquiries, and gave direction on appropriate decorum when providing comments.

2. Approval of Meeting Minutes from July 16, 2026

Chairwoman Sallen introduced Item 2 after it was initially skipped.

Jeremy Thacker stated that he could not hear the livestream of the meeting.

The Commission briefly paused to verify the audio equipment was working.

Commissioner Hart confirmed that she could hear the meeting virtually.

Commissioner Leyvas made a motion to approve the minutes of the January 16, 2026, Ethics Commission meeting minutes. He then corrected the motion to approve the minutes of the July 16, 2026, Ethics Commission Meeting. Vice Chairman Schirripa seconded the motion. The motion passed 4-0.

3. Staff Update

Chairwoman Sallen introduced Item 3.

Deputy City Manager Mathews reported that there remains a vacant seat on the Ethics Commission. He stated that the position is advertised on the City's website, and commissioners were encouraged to identify and refer potential

applicants. He noted that interested individuals may contact City staff or apply through the website.

Chairwoman Sallen introduced Mr. Thacker, who requested to speak on Item 3.

Mr. Thacker stated that, for the first time, the City posted 20 or more complaints on the Ethics Commission website in September and October and questioned why those complaints were made public. He stated that some of the complaints had been withdrawn and did not appear to meet the requirements of the rules. He also noted that one complaint remained posted even though the vote regarding its withdrawal resulted in a 2-2 tie. He stated that he had previously been informed that such complaints were private and questioned why they were posted after nine months if they were not confidential. He requested clarification regarding when the rules changed and how those changes affected the handling and posting of complaints.

Commission Attorney Nillen advised that the matter was not an agenda item.

Chairwoman Sallen asked if Commission staff could follow up on this item.

Deputy City Manager Mathews confirmed that staff would follow up on the item and provide an update at the next meeting.

Chairwoman Sallen thanked Mr. Thacker and noted that his concerns would be looked into further.

4. <u>Review of Current Ethics Inquiries</u>

Commissioner Leyvas disclosed that for EC-26-02, he made lawful campaign contributions to the Respondent in 2022 and 2023. After consulting with Commission Counsel, he determined that this did not constitute a conflict of interest under state law or City code. He elected to voluntarily recuse himself from discussion and voting on the matter due to the nature of the inquiry. He stated that this recusal was discretionary and not a declaration of a conflict of interest.

Chairwoman Sallen thanked Commissioner Leyvas and stated that she was in the same situation as Commissioner Leyvas, noting that her household's contributions were limited to 2023. She noted that she would also recuse herself from discussion and voting on EC-26-02 for the same reasons articulated by Commissioner Leyvas.

Upon recusing herself, Chairwoman Sallen passed control of the meeting to Vice Chairman Schirripa.

Chairwoman Sallen left the meeting.

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Vice Chairman Schirripa asked if he needed to file a motion to go into executive session.

Deputy City Manager Mathews confirmed a motion was required.

Vice Chairman Schirripa motioned to go into executive session for legal advice.

Commissioner Leyvas requested clarification for which agenda item this would pertain to, as there were two inquiries on the agenda. He asked if the executive session was for the first inquiry, which he had not recused himself from, for the second inquiry, or for both. He said he would like to be advised on how to address the executive session if both inquiries were being addressed. He suggested addressing each inquiry, one at a time.

Vice Chairman Schirripa agreed that the Commission should address the inquiries one at a time. He sought clarification on whether Commissioner Leyvas was suggesting that the Commission did not need to go into executive session.

Commissioner Leyvas referred to the Vice Chairman and counsel for further guidance.

Commission Attorney Nillen clarified that Chairwoman Sallen and Commissioner Leyvas may participate in the discussion of EC-26-01 and advised that it would be advisable to separate the inquiries into separate executive sessions.

Vice Chairman Schirripa appreciated the clarification and agreed. He recommended that the Commission begin with EC-26-01.

Chairwoman Sallen rejoined the meeting.

Chairwoman Sallen stated that there was a motion to go into executive session for EC-26-01.

Vice Chairman Schirripa seconded.

Commissioner Leyvas asked who made the motion.

Commission Attorney Nillen stated another commissioner needed to make a second, as Vice Chairman Schirripa made the motion.

City Chief Counsel David Benton affirmed her statement and sought a second.

Commissioner Leyvas seconded the motion, which passed unanimously 4-0.

The Commission entered Executive Session at 3:16 p.m.

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The Commission returned from Executive Session at 3:49 p.m.

Commissioner Leyvas motioned to dismiss EC-26-01 for being facially insufficient to investigate.

Vice Chairman Schirripa seconded the motion.

Chairwoman Sallen opened the floor for discussion.

Commissioner Leyvas noted that the inquiry consisted primarily of questions posed to the Commission rather than specific factual allegations. He further observed that the Complainant expressly stated that they were not asserting as fact that the Respondent had engaged in conduct constituting an ethics violation. He stated that, in his view, the Commission's rules require a Complainant to articulate a specific allegation sufficient to support an ethics inquiry. He explained that the inquiry did not reach that threshold because it sought answers to questions rather than alleging facts constituting a violation.

Commissioner Leyvas added that the Complainant's questions appeared appropriate subjects for public records requests and that obtaining those records could help determine whether grounds existed for filing a future inquiry.

Chairwoman Sallen agreed that the Complainant had raised legitimate questions and hoped that City staff would provide meaningful responses to any related records requests or inquiries.

Chairwoman Sallen called for a vote, and the votes were as follows:

Yes:	4 – Chairwoman Sallen, Vice Chairman Schirripa, Commissioner Hart, and Commissioner Leyvas
No:	0

The motion passed 4-0, and the item was dismissed.

Chairwoman Sallen introduced EC-26-02.

Chairwoman Sallen referenced the earlier discussion regarding her and Commissioner Leyvas's voluntary recusal from this item.

Chairwoman Sallen left the meeting.

Commissioner Leyvas asked staff how he should exit the meeting virtually at this point and requested to be notified when to return.

Commissioner Leyvas left the meeting.

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Commission Attorney Nillen noted that because the meeting now only had two acting members, the rule of necessity would dictate that each remaining Commissioner can act as two people on certain matters.

Vice Chairman Schirripa thanked Chairwoman Sallen and Commissioner Leyvas for their statements of recusal and volunteered to lead the Commission through the item.

Vice Chairman Schirripa motioned to postpone EC-26-02 to the next meeting for further consideration and initial evaluation on the basis that following the commissioners' voluntary recusals, there was now an insufficient number of participating commissioners to reach a four-person threshold required under Phoenix City Code 2-53. He noted that in the Ethics Commission Rules of Procedure, Rule 5, postponing would allow recused Commissioners to further discuss how the Commission may proceed. He affirmed that the motion was to postpone and not dismiss or merit determination.

Commissioner Hart seconded the motion.

Commission Attorney Nillen called for a roll call vote, and the votes were as follows:

Yes: 2 – Vice Chairman Schirripa and Commissioner Hart
No: 0

The motion passed 2-0, and the item was postponed.

Chairwoman Sallen and Commissioner Leyvas rejoined the meeting.

5. <u>Review of Draft Revisions based on Commission Direction</u>

Chairwoman Sallen introduced the item. She stated that this item arose from the July meeting where the Commission requested City staff to review seven items.

Deputy City Manager Mathews clarified that there were eight items for review and asked if the Commission would like to go through each item.

Chairwoman Sallen stated that she would prefer to go through each item.

Item 1 – Removal of Notarization Requirement

Management Assistant Melanie Hagedoorn reviewed the proposed revisions to the Rules of Procedure and Request for Inquiry Form, which remove the notarization requirement. She explained that strike-through text had been used to identify the proposed changes and that all references to notarization had been removed from both the instructions and forms.

Item 2 – Sanctions Language

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Ms. Hagedoorn reviewed references to sanctions contained in Rules 5 and 9 of the Rules of Procedure as well as the Request for Inquiry Form.

Chairwoman Sallen requested clarification on what the Commission's request had been regarding sanctions.

Ms. Hagedoorn noted that this item had been included for review but no changes were requested or proposed.

Item 3 – Electronic Submittal and Signature of Inquiries
Ms. Hagedoorn addressed revisions in the Rules of Procedure, Rule 4A, and Phoenix City Code 2-53(F) to allow electronic signatures and submittals of Requests for Inquiries.

Ms. Hagedoorn introduced a draft Request for Inquiry eForm, noting that it was created in collaboration with Law, Information Technology Services, and the City Clerk. She explained that it was designed to mirror the existing PDF available on the City website, including required fields and similar instructions for submittal.

Deputy City Manager Mathews noted that the draft provided for review was a mockup, and further development was needed.

Item 4 – Withdrawal of Inquiries within a Set Number of Days
Ms. Hagedoorn explained that the initial request from the Commission was to draft language to allow withdrawal of inquiries within a set number of days and to identify a standard number of days when compared to other jurisdictions.

Ms. Hagedoorn explained that in her research of similar sized municipalities and other cities with Ethics Commissions, there was no best practice for withdrawal within a set number of days. She noted that the one example she found within Washington, D.C., allowed for withdrawal of complaints prior to Director action.

Ms. Hagedoorn recommended that, based on her findings, the Ethics Commission could recommend withdrawal up until a certain action, to be determined by the Commission.

Vice Chairman Schirripa asked for clarification of the meaning of "Director action" mentioned previously.

Ms. Hagedoorn replied that this was the exact language used within the Commission from Washington, D.C.

Deputy City Manager Mathews clarified that the referenced Commission had an acting Director, so the language suggested that withdrawal could occur until the Director acted upon a complaint.

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Vice Chairman Schirripa asked what “action” meant, and if it was when the Commission began to discuss the item.

Ms. Hagedoorn stated that that was her interpretation from available resources.

Deputy City Manager Mathews stated that no amendment to the Rules was drafted, as further discussion was needed to determine the Commission’s direction.

Item 5 – Revisions related to the appearance of impropriety
Ms. Hagedoorn noted that there were two references to impropriety, in Phoenix City Code 2-52 and the Ethics Commission Bylaws, Article 3.

Commissioner Leyvas noted that he feels these references should be amended to address both impropriety and appearances of impropriety. He asked what would be the most appropriate way to execute this motion into a policy, based on staff research. He asked how it was addressed in the sources found from other jurisdictions. He noted that these revisions should be made carefully and aligned with best practices. He asked if any research illuminated a standard definition for the appearance of impropriety.

Ms. Hagedoorn clarified that the references she mentioned were within existing City of Phoenix Ethics Commission documents, not references from research. She requested further explanation from City Chief Counsel Benton.

Commissioner Leyvas asked if research was conducted to assess the appearance of impropriety in other municipalities.

City Chief Counsel David Benton explained that he had experience using this phrase in his prior work. He explained that a framework should be established on how this phrase should be used and highlighted the importance of Commissioner Leyvas’s motion. He noted that the appearance of impropriety could be raised even if no ethical violations had occurred, such as in a new or complicated scenario. He further noted that the addition of the appearance of impropriety could lead to abuse of the policy.

City Chief Counsel Benton stated that if this language were added to source materials, the Ethics Commission would need to enforce it. He emphasized the importance of gathering background information to be well-informed of enacting the change.

Commissioner Leyvas asked if the Commission could request staff to conduct further research on the framework surrounding the appearance of impropriety.

City Chief Counsel Benton confirmed that staff could research this.

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Deputy City Manager Mathews stated that staff intends to conduct additional research on this topic.

Item 6 – Identify Appropriate Locations for Revisions

Ms. Hagedoorn stated that the outline provided to the Commission was intended to address Item 6, as it noted all the locations that required review or revision.

Item 7 - Draft the proposed language for the City Manager for review and recommendation to Council.

Ms. Hagedoorn stated that the draft language was provided to the Commission during the review of Items one to six.

Item 8 – Amendment to the Rule regarding closing inquiries if motion to dismiss fails

Ms. Hagedoorn directed the Commission to the Rules of Procedure, Rule 6(G), to include a specified time frame in which a failed vote would result in closure.

Deputy City Manager Mathews requested that the entire sentence be read.

Ms. Hagedoorn stated that “at the conclusion of the investigation, if there are less than four votes to make a recommendation to the full council or to dismiss the request for inquiry, the request for inquiry is deemed closed”.

Deputy City Manager Mathews noted that the current rule allows dismissal any time a motion fails.

Ms. Hagedoorn stated that Item eight concluded her prepared work.

Chairwoman Sallen opened the floor for discussion.

Chairwoman Sallen stated that the Commission needed to decide whether to direct staff to conduct more research on Item 5. She requested the discussion start with Item 4.

Commissioner Leyvas asked if this was the item pertaining to withdrawal.

Chairwoman Sallen affirmed.

Commissioner Leyvas stated that he recommended drafting language that allows withdrawal up until the Commission takes action. He stated that the Commission has approached previous inquiries with this framework, which allowed withdrawal until the Commission adopted or made a motion to take action. He stated in a previous instance, the Commission allowed withdrawal until they took jurisdiction.

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He noted that, at that time, the Commission felt that the inquiry had sufficient information to warrant an investigation. His interpretation of the Commission's policy was that broad concerns are not owned by the Complainant, and if the Commission judges that an inquiry has enough facially to warrant an investigation, then the responsibility falls on the Commission to take ownership of the inquiry. He stated that this was the purpose of the Ethics Commission as an appointed body.

Commissioner Leyvas noted that assigning a set number of days seemed arbitrary, and he would prefer for the withdrawal language to include until the Commission accepts jurisdiction or takes action.

Chairwoman Sallen asked if Commissioner Leyvas would like the language to read when an item is placed on an agenda or when the Commission makes a decision of accepting jurisdiction.

Commissioner Leyvas asked counsel what would constitute the first action the Commission takes on an item.

Commission Attorney Nillen noted that "action" is a broad term, and she recommended using clearly defined language, such as "accepts jurisdiction".

Commissioner Leyvas agreed.

City Chief Counsel Benton recommended using "vote to take jurisdiction", as placing an inquiry on an agenda is not a Commission action.

Commission Attorney Nillen concurred, stating that accepting jurisdiction requires a vote.

City Chief Counsel Benton agreed.

Commission Attorney Nillen stated that a vote to dismiss is also an action, but this action would render the same outcome regardless of the vote.

Commissioner Leyvas asked for confirmation that an inquiry that is on the agenda but withdrawn would not be a public record.

Commission Attorney Nillen confirmed that withdrawn inquiries that were not acted upon would not become public record.

Commissioner Leyvas stated that he would prefer to use the broader term of "take action". He reasoned that if the Commission interacts with materials, the inquiry and any related discourse should become public record.

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Commission Sallen noted her concern over when the ability to withdraw an inquiry should end. She stated that once an inquiry is placed on an agenda, Commissioners will review materials and prepare for discussion, and allowing withdrawal until the Commission takes action could result in a significant amount of time and effort lost during the review process.

Deputy City Manager Mathews provided a point of clarification, noting that any inquiry received by the City, regardless of its final action, will become public record once the Ethics Commission has deemed action with the item concluded.

Commissioner Leyvas asked for Deputy City Manager Mathews to explain what would happen if an inquiry was received but withdrawn prior to the City Clerk transmitting the inquiry.

Deputy City Manager Mathews stated that once the City receives an inquiry, it is a public record.

City Chief Counsel Benton stated that all inquiries received by the City must be transmitted.

Deputy City Manager Mathews explained that inquiries may be disclosed once they are finalized, regardless of how the matter ended. This includes posting the redacted inquiry and supporting documents on the Ethics Commission webpage.

Commissioner Leyvas appreciated the distinction. He stated that the matter is not whether an inquiry is a public record, but rather what is the responsibility to disclose given the existing ordinance on confidentiality.

Deputy City Manager Mathews stated that the City's position is once a matter is withdrawn, that matter is considered closed under the jurisdiction of the Commission. As such, the inquiry is a public record and would be disclosed on the Ethics Commission webpage.

Commission Attorney Nillen noted the public record language under 2-53(K) stated that the report would not be available for public inspection until the final action by the Ethics Commission. She stated that withdrawal creates an ambiguous issue, as the Commission is unable to take final action. She continued that while there may be a superseding requirement under public records law, it is not captured under 2-53(K). She stated it may be advisable to revise the language to incorporate a final action when an inquiry has been withdrawn, such as the Commission accepting withdrawal.

Commissioner Leyvas appreciated Commission Attorney Nillen's comments.

Deputy City Manager Mathews noted that beyond the Ethics Commission, the City of Phoenix has public records practices that it must adhere to.

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Commission Attorney Nillen stated she was merely noting the contradiction.

Chairwoman Sallen asked if withdrawal should be a unilateral decision by the Complainant, or if the Commission would need to accept that action.

Commission Attorney Nillen stated that draft language could include the Commission's acceptance of withdrawal.

Commissioner Leyvas agreed with the idea, as this would create a final action, align with 2-53(K), and eliminate any potential conflicts.

Chairwoman Sallen agreed.

Commissioner Leyvas returned to Chairwoman Sallen's previous point of lost time from reviewing an ultimately withdrawn inquiry. He noted that either way, time and effort may be lost, as investigating an inquiry that no one wanted to pursue is also a loss of time.

Chairwoman Sallen returned to the initial request, which was to draft language that allowed withdrawal until the Commission took action, or until they took jurisdiction.

Commissioner Leyvas clarified that the preferred language is "took action", as this would capture both dismissing and accepting.

Commission Attorney Nillen recommended "took jurisdiction", as there is no impact on withdrawing a dismissed inquiry.

Commissioner Hart asked how a Complainant is informed that withdrawing an inquiry will result in no further action or consideration and sought clarification on the Complainant's autonomy in the withdrawal process, including whether there is a defined timeframe or point at which a withdrawal can no longer occur because jurisdiction or formal action has already been established.

Commission Attorney Nillen asked if Complainants were notified when an inquiry was added to the meeting agenda.

Ms. Hagedoorn affirmed.

Commission Attorney Nillen asked if the Complainants were notified of the two inquiries scheduled for this meeting.

Ms. Hagedoorn affirmed, stating both the Complainant and Respondent were notified of the day and time their inquiries would be heard at the Ethics Commission meeting.

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Commission Attorney Nillen asked if this answered Commissioner Hart's question.

Commissioner Hart clarified her question regarding the inquiry withdrawal process, asking how a Complainant is informed of any opportunity or deadline to withdraw an inquiry after receiving notification that the inquiry has been received and is under review. She further asked whether Complainants are advised of a defined timeframe, such as ten days, during which they may choose to withdraw the inquiry before further action is taken.

Commission Attorney Nillen clarified that the notion of a set number of days was considered being removed.

Commissioner Leyvas stated if the Commission moved forward with a set amount of days for withdrawal, then this should be in the instructions of the Request for Inquiry form.

Commissioner Hart appreciated Commissioner Leyvas's statement.

Chairwoman Sallen noted the benefits of establishing a set number of days for withdrawal, such as providing certainty to the Complainant. However, the Commission and staff would need to ensure alignment with other standard timeframes outlined in the ordinance, such as the Clerk's transmittal requirements.

Commissioner Leyvas initially suggested aligning withdrawal with transmittal timelines but withdrew the idea, as the Clerk may transmit the inquiry before the deadline.

Deputy City Manager Mathews noted the concern with a set number of days, as the Commission rules required any inquiry received to be placed on the next available meeting agenda. He stated there have been instances where inquiries were received the same week as a meeting, and withdrawal extending past accepting jurisdiction could create challenges for the Commission.

Commissioner Leyvas noted that there was no perfect solution, but he would advocate for using accepting jurisdiction as the point of demarcation. He noted that at some point, for the benefit of the ethics of the City, the concerns raised no longer belong to the individual but to the Commission.

Vice Chairman Schirripa agreed.

Commissioner Hart agreed with the logic but asked if there was a certain number of days outlined on the application to permit withdrawal.

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Chairwoman Sallen stated no set number of days were outlined on the application.

Commissioner Leyvas recommended including the selected withdrawal language on the Request for Inquiry form to remain transparent.

Commissioner Hart agreed.

Chairwoman Sallen stated that the proposed option gave the greatest flexibility for the Complainant, as the inquiry may be heard at any point from a few days after submission to several weeks. This gives the Complainant a range of time to deliberate withdrawing an inquiry.

Commissioner Leyvas noted that it is the Commission's duty to preserve due process while ensuring timely disposition of inquiries. He stated the suggested language may give some individuals a shorter amount of time to withdraw, and others may have several months. He reiterated that there is no perfect solution.

Chairwoman Sallen asked Commissioner Leyvas to make a motion.

Commissioner Leyvas motioned to request City staff, in consultation with counsel, to draft language consistent with the discussion regarding the deadline for withdrawal of an inquiry being an action or acceptance of jurisdiction.

Vice Chairman Schirripa seconded the motion, which passed unanimously 4-0.

Deputy City Manager Mathews stated that staff will draft Request for Inquiry form changes in addition to rule changes, per the discussion.

Chairwoman Sallen returned the discussion to Item 5, regarding the appearance of impropriety. She stated there was interest to direct staff to conduct research on the appearance of impropriety in other jurisdictions.

Commissioner Leyvas motioned to request City staff to research the application of the appearance of impropriety as a public policy in other jurisdictions.

Commissioner Hart seconded the motion, which passed unanimously 4-0.

Commissioner Leyvas returned the discussion to Item 8.

Commission Attorney Nillen noted the language of Rule 6(G) was currently ambiguous, and the draft language provides clarity and will not affect motions for reconsideration.

Commissioner Leyvas appreciated the explanation. He stated that he viewed this addition as a clarification, rather than a change to the rules.

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Commission Attorney Nillen asked for City staff's input, as they drafted the original Rules.

Deputy City Manager Mathews agreed with Commission Attorney Nillen's rationale for the addition. He stated that this prevents premature inquiry closures from failed votes.

Chairwoman Sallen asked how the Commission defined the conclusion of the investigation.

Commissioner Leyvas indicated that a recommendation was the conclusion.

Chairwoman Sallen asked if a recommendation provided enough specificity for being the demarcation of the rule.

Commission Attorney Nillen stated that the draft language could include that no commissioner has indicated the need for more information.

Commissioner Leyvas asked what would constitute an investigation. He suggested that the investigation includes the issuance of the report as well as the review of the facts.

Commission Attorney Nillen suggested including a measure related to the decision on the merits of the inquiry.

Deputy City Manager Mathews suggested using language included in the previous paragraph to avoid ambiguity, such as after reviewing the report, rather than at the conclusion of the investigation.

Commission Attorney Nillen stated that in previous cases, reports have raised questions that resulted in subsequent draft reports. She noted that a report is considered final when there are no additional questions from the Commission.

Deputy City Manager Mathews stated that the staff can create a revised draft for review, and a motion is not needed to continue exploring the language.

Commissioner Leyvas recommended moving the language to a different location in the Rules of Procedure, such as Rule 7.

Chairwoman Sallen agreed, noting that the point of demarcation is when considering the substance of the recommendation.

Chairwoman Sallen asked if additional action needed to be taken on this item.

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Deputy City Manager Mathews stated no additional action was needed, and staff will return with the requested revisions at the next meeting.

Chairwoman Sallen asked if Mr. Thacker was online as he had requested to speak.

Staff confirmed that he was no longer online.

6. Authority to Appoint Legal Counsel/Investigator

Chairwoman Sallen proposed postponing this item to the next meeting. There were no objections.

7. Call to the Public

Chairwoman Sallen confirmed there were no speakers.

8. Future Agenda Items and Meeting Dates

Chairwoman Sallen opened the floor to discussion.

Chairwoman Sallen asked if staff would be ready to present draft revisions from the motions of Item 5 at the November meeting.

Deputy City Manager Mathews confirmed that staff would have a working draft ready for review.

Commissioner Leyvas requested an item for discussion on the Ethics Ordinance and Rules of Procedure. He clarified that he would like the ability to seek legal advice on these topics.

Chairwoman Sallen stated that the description may not be sufficient for the agenda.

Commissioner Leyvas clarified that he would like to discuss the confidentiality provisions within the Ethics Ordinance and Rules of Procedure.

Commission Attorney Nillen and City Chief Counsel David Benton confirmed that the description would be sufficient.

Deputy City Manager Mathews requested to add an item on the procedures for posting resolved Ethics Commission inquiries, in line with Mr. Thacker's statements.

Chairwoman Sallen asked if the item should be combined with the confidentiality provisions item.

City Chief Counsel Benton confirmed that it should be separate.

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Commissioner Hart requested confirmation of the next meeting date.

Deputy City Manager Mathews confirmed that the next meeting would take place on November 19.

Chairwoman Sallen confirmed the November 19 meeting would be at the same location.

9. Adjournment

Chairwoman Sallen adjourned the meeting at 4:52 p.m.

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