



Special Code of Ethics Revision Committee – Board of Representatives

Benjamin Lee, Chair

J.R. McMullen, Vice Chair

Committee Report

Date: Wednesday, September 23, 2020

Time: 7:00 p.m.

Place: This meeting was held remotely.

The Code of Ethics Revision Committee met as indicated above. In attendance were Chair Lee, Vice Chair McMullen and Committee Member Reps. Curtis, Fedeli, Miller, Morson, Sherwood, Stella and Zelinsky.

Chair Lee called the meeting to order at 7:02 p.m.

Item No.	Description	Invitee(s) or Designees
1. COE30.005	ORDINANCE <u>for publication</u> ; Amending Chapter 19 of the Code of Ordinances, Code of Ethics 08/05/20 – Submitted by Rep. Lee 09/01/20 – Held by Committee, as amended, 9-0-0	Held, As Amended, 9-0-0

Committee members first discussed the order to be followed in reviewing the ordinance.

Committee members discussed adding “Nothing in this section can be used as a basis for an ethics complaint.” to Section 19-2.

- The goal is to not have the policy section used as a basis for an ethics complaint
- Would it be better to specify the sections on which an ethics complaint can be based?
- The language needs to be clear to the public
- It would make more sense to include this as a new Section 19-2.D
- Should the language specify that nothing in this section shall be the “sole” basis for a complaint

A motion to amend Section 19-2 to add the following:

D. Nothing in this Section 19-2 shall be used as a basis for an ethics complaint.

was made, seconded and approved by a vote of 8-1-0 (Reps. Lee, McMullen, Curtis, Fedeli, Morson, Sherwood, Stella and Zelinsky in favor; Rep. Miller opposed).

The Committee discussed exploring whether a complaint should specify the section of the Code that is alleged to be violated when they review Section 19-14.

A motion to amend Section 19-14.D(1) to delete the text “No member or alternate member of the Board of Ethics may initiate a complaint” from subsection (b) and add the following to the end of the first sentence of subsection (a)

provided, however, no member or alternate member of the Board of Ethics may submit a complaint.

was made, seconded and approved by a vote of 7-0-0 (Reps. Lee, McMullen, Curtis, Fedeli, Miller, Morson and Sherwood in favor).

A motion to amend Section 19-14.D(1)(b) to change the first sentence as follows:

Upon receipt of said complaint by the Chairperson, or by the Secretary of the Board in the Chairperson's absence, the Chairperson of the Board of Ethics shall empanel an Investigating Committee by selecting, on a rotating basis, as practical, three (3) members from among the regular and alternate Board members, to be the three (3) Investigating Board members, as defined above.

was made, seconded and approved by a vote of 8-0-0 ((Reps. Lee, McMullen, Curtis, Fedeli, Miller, Morson, Sherwood and Stella in favor).

A motion to amend Section 19-3 to add the following definition:

Investigating Committee. Committee consisting of investigating board members formed pursuant so Section 19-14.D(1)(b). No more than two (2) memberso fo the Investigating Committee shall be registered with the same political party.

was made, seconded and approved by a vote of 8-0-0 (Reps. Lee, McMullen, Curtis, Fedeli, Miller, Morson, Sherwood and Stella in favor).

Committee members had an extensive discussion on the standard necessary for the Investigating Committee to move forward:

- Should the investigating committee have probable cause
- The Ethics Board needs to have sufficient leeway to do its work
- Would “evidence of” probable cause be sufficient
- Would a “substantiated claim” be a better starndard
- The Investigating Committee won’t go forward if the accuser has no substantiation

A motion to amend Section 19-14.D(1)(d) to add the following new third sentence

It shall be the Investigating Committee’s responsibility to make a determination of whether or not probable cause exists to support the complaint.

was made, seconded and approved by a vote of 8-0-0 (Reps. Lee, McMullen, Curtis, Fedeli, Morson, Sherwood, Stella and Zelinsky in favor).

A motion to hold Item No. 1, as amended, was made, seconded and approved by a vote of 9-0-0 (Reps. Lee, McMullen, Curtis, Fedeli, Miller, Morson, Sherwood, Stella and Zelinsky in favor).

Chair Lee adjourned the meeting at 9:26 p.m.

Respectfully submitted,
Ben Lee, Chair

This meeting is on [video](#).