



Special Code of Ethics Revision Committee – Board of Representatives

Benjamin Lee, Chair

J.R. McMullen, Vice Chair

Committee Report

Date: Thursday, June 17, 2021
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. Excused was Rep. Miller; Absent was Rep. Stella. Also present was Rep. de la Cruz.

Chair Lee called the meeting to order at 7:05 p.m.

Item No.	Description	Committee Action
1. COE30.005	ORDINANCE for publication; 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 09/23/20 – Held by Committee, as amended, 9-0-0 10/27/20 – Held by Committee, as amended, 8-0-0 12/21/20 – Held by Committee, as amended, 9-0-0 02/04/21 – Held by Committee, as amended, 9-0-0 02/18/21 – Held by Committee, as amended, 9-0-0 04/08/21 - Held by Committee, as amended, 9-0-0 06/02/21 – Held by Committee, 9-0-0	Held 7-0-0

Chair Lee explained that he wanted the committee to go through the [color-coded changes](#) in the draft distributed earlier this week and try to get a clean draft from which the Committee could then evaluate the changed submitted by Rep. de la Cruz as well as discuss the additional recommendations from Attorney Young which he had received but not yet distributed.

It was noted that the red changes had already been approved by the Committee.

A motion to approve the blue changes, consisting of non-gendered language, was made, seconded and approved by unanimous voice vote (Reps. Lee, McMullen, Fedeli, Morson, Sherwood and Zelinsky in favor).

A motion to approve the green changes, consisting of various clean up changes, including changing official to officer, stipulation to stipulated, and inconsistent capitalizations, was made, seconded and approved by unanimous voice vote (Reps. Lee, McMullen, Curtis, Fedeli, Morson, Sherwood and Zelinsky in favor).

A motion to approve the purple changes based on recommendations from the Board of Ethics as detailed at the last meeting was made, seconded and approved by unanimous voice vote (Reps. Lee, Curtis McMullen, Fedeli, Morson, Sherwood and Zelinsky in favor).

Committee members then discussed the changes recommended by Rep. de la Cruz, which consist of replacing the Board of Ethics Hearing Board with an independent arbitrator.

Comments included the following:

- There is an inherent bias of having the Investigating Committee and Hearing Board come from the same Board of Ethics
- State law would not prohibit this; there may be no other cities in the state which use an arbitrator
- The Committee should get an opinion from Corporation Counsel as to whether the Board can delegate this power of judgement, while still retaining its other powers
- If the concern is the bias of the Board of Ethics, then the members should be replaced
- An outside arbitrator would need to get caught up on the details of the investigation
- Members discussed whether the proposal would undermine the Board of Ethics
- Members of the Board of Ethics should be able to put their biases aside

A motion to hold Item No. 1 was made, seconded and approved by unanimous voice vote (Reps. Lee, Curtis, McMullen, Fedeli, Morson, Sherwood and Zelinsky in favor).

Chair Lee adjourned the meeting at 8:36 p.m.

Respectfully submitted,
Benjamin Lee, Chair

This meeting is on [video](#).