

Board of Ethics Meeting
City Manager's Conference Room
Monday, May 9, 2016
9:00 a.m.

Present: Richard Gamester, Fire Commission; Brenna Cavanaugh, Police Commission; Roseann Vozella Clark, School Board; James Splaine, Assistant Mayor; Robert Sullivan, City Attorney; and Kelli L. Barnaby, City Clerk

Others Present: Jack Blalock, Mayor and John P. Bohenko, City Manager

The meeting opened at 9:00 a.m. Assistant Mayor Splaine was appointed as Chair of the Committee. The City Attorney and the Board discussed the legal framework in which the Board operates as well as a sealed letter forwarded to the Board from the Police Commission.

At the request of the Board, City Attorney Sullivan left the meeting to open and read the letter received by the Board of Ethics.

City Attorney Sullivan returned and indicated the letter does not specify a question or describe a situation. He said the letter is about seeking an advisory opinion listing two individuals. He stated if he provides copies of the letter then it would be public information without notifying the individuals prior to the matter becoming public.

Ms. Clark said we can't make a decision based on what the letter contains because the Board is not aware of what the letter says.

Ms. Cavanaugh stated the Police Commission is not insinuating any one did anything wrong.

Assistant Mayor Splaine asked if the person would have recourse if the names are released. City Attorney Sullivan said there is no recourse to releasing the letter.

Mr. Gamester said it would be better to open the letter with the two individuals in the room.

Mr. Gamester moved that the Ethics Board meet on Tuesday, May 10th at 2:00 p.m. in Conference Room A and all parties are to be notified that are listed in the letter of such a meeting and invited to attend. Seconded by Ms. Cavanaugh.

Assistant Mayor Splaine asked if there are complications because the Board will not receive the letter. City Attorney Sullivan said the individuals would receive a letter from him indicating a meeting will be held regarding the confidential letter which the parties would receive as well.

Assistant Mayor Splaine said we want to be fair to the people in the letter and meet the requirements of the Right to Know Law.

City Attorney Sullivan said we could give the individuals advanced notice then deliver the notice to the Ethics Board and on Wednesday the letter would become public.

Ms. Cavanaugh said the Board should vote today whether names are required in a letter seeking an advisory opinion. City Attorney said a letter seeking an advisory opinion does not require names to be listed.

City Manager Bohenko said having someone's name associated with an ethics review could follow them in their career.

City Attorney Sullivan said if the motion passes he would find out the name of the third party involved in the letter and all people would then be provided with a notification of the meeting. The notification would also include the Department Head of the City employee.

Assistant Mayor Splaine asked if Ms. Cavanaugh wants to take the letter back to the Police Commission to withdraw the names. City Attorney Sullivan said you can change the letter by inserting x and y instead of names.

Ms. Clark said that because it was not a complaint the letter did not go before Mayor Blalock. Mayor Blalock said if it was a violation the letter would come to him and the City Attorney to read and they would then be required to send it to the appropriate person(s) which depends on what the letter contained.

Assistant Mayor Splaine said we need to be fair to everyone. He said we could adjourn the meeting and ask the Police Commission to rephrase the letter or withdraw the letter.

City Attorney Sullivan said the Police Commission could direct the person raising the issue to raise it directly to the Ethics Board.

Mr. Gamester said he does not read anonymous letters or anonymous complaints and that is what this is.

Ms. Cavanaugh said the Police Commission could advise the complainant that they can bring the letter to the Ethics Board for an advisory opinion.

Mr. Gamester withdrew his motion and Ms. Cavanaugh her second to the motion.

Mr. Gamester moved that the Police Commission consider withdrawing the request for an advisory opinion and if the party still feels that the matter should be brought forward they would bring it to the Ethics Board. Seconded by Ms. Clark.

On a unanimous roll call 4-0, motion passed.

Ms. Cavanaugh moved that if a member brings forward a request for an advisory opinion to the Ethics Board that no names be brought forward in the letter. Seconded by Ms. Clark.

City Manager Bohenko said you would need to know if it is a discipline issue and you may want to explain that in the request. He said it is important that the Board knows the difference between an ethics matter and an administrative matter.

**Motion passed with Assistant Mayor Splaine voting opposed.
At 10:35 a.m., Mr. Gamester moved to adjourn. Seconded by
Ms. Cavanaugh and voted.**

Respectfully submitted by:

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk

DRAFT