The meeting was called to order at 6:32 p.m.

Board Members Present: 4 – Andrew Austin, Susan Jensen, Vice-Chair Stan Betts and Chair Julie Myers

Board Members Absent: 0 –

Chair Myers brought the meeting to order, stating that Members Austin, Jensen and Betts were in attendance. Staff members Yvonne Yaskus and Bill Fosbre were also in attendance.

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REVIEW PROPOSED CHANGES TO TACOMA MUNICIPAL CODE SECTION 1.46.045, BOARD OF ETHICS

Chair Myers stated that the two changes to Tacoma Municipal Code Section 1.46.045 included deleting references to the “alternate” member, and including the new section that would enable the Board to make recommendations to the City Manager and the City Council regarding the subject matter of this chapter.

Yvonne Yaskus stated that these changes will be presented to the City Council on July 28, 2009 for consideration.

Ms. Jensen inquired as to the recommendation to remove the alternate member from the Board. Mr. Betts stated that this recommendation came from the Government Performance and Finance Committee meeting of July 1, 2009. This would reduce the Board of Ethics to a five member committee with no alternate member.

Ms. Yaskus further stated that the City Council will consider a Resolution at tomorrow night’s City Council meeting to appoint another member to this Board.
Betts moved to approve the proposed amendments to Tacoma Municipal Code Section 1.46.045. Seconded by Jensen. Voice vote was taken and carried; the motion passed.

REVIEW/UPDATE ADMINISTRATIVE PROCEDURES

Betts moved to approve the Administrative Procedures as written and presented tonight. Seconded by Austin.

Chair Myers moved to amend the Administrative Procedures to eliminate all references to the “alternate member”. Seconded by Betts. Voice vote was taken and carried; the motion, as amended, passed.

REVIEW A COMPLAINT SUBMITTED TO THE BOARD AND, IF NECESSARY, TO DESIGNATE AN INDIVIDUAL TO CONDUCT AN INDEPENDENT INVESTIGATION OF THE COMPLAINT

Chair Myers stated that the Board has received an ethics complaint which will now be reviewed.

Chief Assistant City Attorney Bill Fosbre explained to the Board his role in this process, and explained to the Board that they could meet in Executive Session to discuss this complaint if desired.

Ms. Jensen inquired as to why portions of the document have been redacted. Yvonne Yaskus stated that redactions were made in accordance with the Public Records Act, RCW 42.56, since the complaint received involved more than one type of complaint and more than one individual, and included information that would ordinarily be redacted from this type of document if requested under the Public Records Act. The Board of Ethics does not have jurisdiction over this portion of the complaint.

Ms. Jensen reviewed the Ethics Code, and explained that the Board should go through the possible ethics violations listed in the Municipal Code to discern whether or not the allegations, if true, would arise to an ethics violation.

The Board members discussed that the allegations in this complaint are 1) providing false and misleading information to the media, and 2) recording a phone conversation without consent of the other party.

Betts moved to convene to Executive Session for a period not to exceed 15 minutes to discuss the complaint. Seconded by Jensen. Voice vote was taken and carried; the motion passed.
The Board of Ethics convened to Executive Session at 7:21 p.m.

Chair Myers reconvened the meeting at 7:37 p.m.

Chair Myers stated that the complaint was reviewed and discussed.

Ms. Jensen moved that the Board consider by discussing on the record whether or not there is probable cause within the complaint to perform an investigation as outlined in Tacoma Municipal Code 1.46.045(d)(5) and other parts of the code.

Mr. Betts moved that the Board approve a finding that they have no jurisdiction over possible violation of the City Charter as mentioned in the complaint. Seconded by Ms. Myers.

After brief discussion, Mr. Betts withdrew his motion.

Ms. Jensen amended her motion to discuss regarding how to proceed; whether to consider if there is probable cause for a violation of the Code of Ethics, or if this complaint is defective in some manner as to not be able to make a determination. Seconded by Betts. Voice vote was taken and carried; the motion, as amended, passed.

Ms. Jensen suggested that the Board make determinations on several matters: this Board does not have jurisdiction over alleged violations of the Charter; that the facts as alleged either do not allege facts sufficient to violate the code of ethics, or in the alternative, are insufficient so as to render the complaint defective in a manner which results in the Board being unable to make a sound determination.

Discussion ensued as to whether or not this complaint, if the allegations were true, would rise to the level of a violation of the Code of Ethics.

After no further discussion on the matter, Chair Myers called for a vote to close the discussion. Seconded by Mr. Betts. Voice vote was taken and carried; the motion passed.

Mr. Austin moved to dismiss the complaint because part of it addresses the City Charter of which the board has no jurisdiction, and second because the facts are too vague to directly point to a violation of the code of ethics. Seconded by Mr. Betts.

Ms. Jensen moved to amend the motion to include that the complaint does not allege facts sufficient to a violation of the code and that the complaint is defective in a manner which results in the Board being able to make a sound determination. Seconded by Mr. Betts.
After further discussion, voice vote was taken and carried on the amended motion. The motion, as amended, was passed.

UNFINISHED BUSINESS

Chair Myers referenced the document provided to the Board prior to the meeting, an inter-departmental communication regarding "Participation in Political Campaigns by City Officers and Employees" and asked Ms. Yaskus to discuss the memo. Ms. Yaskus stated that this memo was requested by a Board member, and provided it for informational purposes only. The memo is in regards to employees’ political activities during the election season. Discussion ensued regarding the memo, and whether or not the Board members were considered employees.

Chair Myers stated that she did attend the July 1, 2009, Government Performance and Finance Committee (GPFC) meeting, where the GPFC gave a "do-pass" to the suggested changes to Tacoma Municipal Code 1.46.045, Code of Ethics, which will be before the full City Council the week of July 20, 2009, for consideration. She further stated that she did discuss with the GPFC the history of this Board, and in particular the issue of lobbyists, which the Pierce County Board of Ethics placed in their ethics code. Chair Myers further stated that the GPFC members emphasized that the City of Tacoma Board of Ethics not go to the extremes as Pierce County had done in their ethics reform. Further, the GPFC asked the Board of Ethics to review ethics codes of other cities similar in population to the City of Tacoma.

Chair Myers then asked members of the Board to look at Codes of Ethics from other cities; further discussion ensued regarding which cities should be reviewed and how to process the information. Mr. Betts agreed to research three out-of-state cities; Ms. Jensen agreed to review the City of Spokane; and Mr. Austin the City of Seattle. Chair Myers stated she would produce a template of questions on which items could be tracked. Chair Myers further stated she would have this template available and out to members by August 15, 2009, with responses due back by September 15, 2009.

BOARD MEMBER COMMENTS

None.

PUBLIC COMMENT

None.
ADJOURNMENT

There being no further business, the meeting was adjourned at 8:09 p.m.

Julie Myers, Chair

Yvonne Yaskus
Records Management Supervisor/Public Records Officer
City Clerk’s Office