

**Ethics Commission
Meeting Minutes
October 28, 2015**

Attendees:

Commission Members: Troy Bruner, Stephen Sennett, Levi Liljenquist, Monica Holland, Brian Steverson

City Employees: Pat Dalton, City Attorneys Office, Mike Piccolo, City Attorneys Office, Blaine Stum, City Council Office, Anna Everano, City Council Office, Roxanne Imus, City Attorneys Office

Others: Tim Benn, Citizen, Fred Kidney, Citizen

Meeting: Troy Bruner called the meeting to order at 4:04 p.m. He opened the meeting, asking for all in attendance to introduce themselves. He then explained the Commission would be addressing one complaint. He advised the Commission that due to the nature of the complaint, Assistant City Attorney and Counsel to the Ethics Committee, Mike Piccolo, was not present. Assistant City Attorney Pat Dalton was in attendance for the first matter of business. Mike Piccolo would be present for the remainder of the meeting. Mr. Bruner confirmed there was a quorum and asked for approval of the minutes of the August 12, 2015, meeting. A motion to approve the minutes was made, seconded and passed unanimously.

Action Item II b.

The complaint filed by Council Member Jon Snyder alleging Council Member Mike Fagan had divulged contents of a confidential legal memorandum provided to the Council by their Legal Counsel, violating confidentiality. Council Member Fagan spoke to the Commission, explaining the documents and the transcript of the Council Meeting of July 13, 2015, which he provided the Commission prior to the October 28, 2015, meeting. Council Member Fagan explained he also had made provisions so Commission members could view video of the meeting where the alleged breach of attorney-client privilege took place. He added he did not believe the Ethics Commission has jurisdiction to hear the complaint and reiterated that the Council Members' conversation regarding the topic of the confidential memorandum opened up the matter to public scrutiny.

A discussion followed among members and citizens in attendance. Commission members closely reviewed the transcript provided by Council Member Fagan. Assistant City Attorney Pat Dalton provided interpretation of the Commission by-laws. Levi Liljenquist and Monica Holland discussed whether the Commission had received a 'perfected' complaint. While there was an error in reference to the Ethics Code, the members agreed the intent was clear and the complaint should be accepted.

Stephen Sennett explained that he believed jurisdiction had been established. Troy Bruner asked if that would eliminate the possibility of a dismissal of the matter. Pat Dalton said the Commission had a right to review the content of the legal memo in question. One of the citizens said the contents of the memo had been discussed in an open meeting, therefore the rules of confidentiality and attorney-client privilege no longer applied. The Commission asked Pat Dalton to provide copies of the memo for the Commission. The Commission then reviewed the content of the memo *in camera*. The Commission compared the content of the memo with the transcript of the meeting. General discussion resumed.

Stephen Sennett made a motion that the matter be dismissed, stating the complaint is de minimis. He indicated there was a violation of attorney-client privilege, but also indicated there were mitigating factors. Mr. Sennett suggested that elected officials be provided with information regarding their role in honoring attorney-client privilege. There was more discussion. Troy Bruner made a motion to dismiss the claim. No one seconded the motion. Levi Liljenquist made a motion that that the claim be dismissed based on its de minimis nature, and recommended training regarding attorney-client privilege for Council members. Steven Sennett seconded the motion and the motion passed.

Mike Piccolo joined the meeting. He discussed the Commission's availability on November 11, 2015, for a Special Meeting for Initial Hearing regarding complaints against Theresa Sanders and Brian Coddington. Members confirmed their availability.

Mike Piccolo informed the group that he has briefed the City Council regarding the Ethics Commission's Policy and Procedure Manual. It is set on the November 2, 2015 Council Agenda for Council's approval.

The meeting was adjourned at 5:20 p.m.

Reviewed / Approved:

Ethics Commission