

AD HOC COMMITTEE ON ETHICS MINUTES

March 12, 1998

The Ad Hoc Committee on Ethics of the City of Mesa met in the Gold Room of the Council Chambers, 57 East 1st Street, on March 12, 1998 at 3:35 p.m.

COMMITTEE PRESENT

Dennis Kavanaugh, Chairman
Bernard Butts
Mike Hughes
Marianne Jennings
Bonnie Koppell
Joan Newth
Marty Whalen

COMMITTEE ABSENT

Dan Brock
Wanda Kay

STAFF PRESENT

Cindy Barris
Neal Beets
Barbara Jones
Ellen Pence

Chairman Kavanaugh excused Committeemembers Brock and Kay from the meeting.

1. Approve minutes of February 26, 1998 meeting.

It was moved by Committeemember Koppell, seconded by Committeemember Whalen, that the minutes of February 26, 1998 be approved.

A tabulation of votes showed the motion carried unanimously by those present.

2. Review and consider policy on acceptance of gifts and favors.

Chairman Kavanaugh stated that at the direction of the Committee, City Attorney Neal Beets has drafted a policy concerning the acceptance of gifts and favors. Chairman Kavanaugh noted that a monetary threshold for disclosure has not yet been determined.

Discussion ensued concerning the possibility of incorporating a sample list of gifts to be disclosed similar to that contained in the City of Phoenix policy (adding venues specific to Mesa); including statements within the Comments section indicating "Such items as..." and/or "Entertainment means..."; adding the words "admission to/participation in" relative to sports/athletic/entertainment events and adding the word "cultural" to the type of tickets to declare; public perception/criticism relative to the acceptance of gifts; and an appropriate monetary threshold for disclosure.

It was moved by Committeemember Newth, seconded by Committeemember Hughes, that a \$50 monetary threshold for disclosure be adopted, with a provision included for inflationary factors.

Committeemember Whalen suggested that consideration be given to adopting a provision whereby the Ethics Advisory Board may modify the threshold amount from time to time.

Committeemember Koppell recommended that the amount be subject to annual or periodic review by the Ethics Advisory Board. Members of the Committee indicated support for periodic review.

Chairman Kavanaugh called for a vote on the motion, which would include a provision for periodic review by the Ethics Advisory Board.

A tabulation of votes showed the motion carried unanimously by those present.

The Committee spoke concerning the words "persons with business before the City" and "which the Councilmember or Boardmember receives or benefits from" within the first paragraph of the proposed policy.

Mr. Beets indicated that the proposed language can be modified to reflect "persons with a financial interest before the City." Mr. Beets added that the benefit provision was included to cover circumstances whereby, for example, a spouse receives tickets, from which the Councilmember or Boardmember benefits.

Additional brief discussion ensued pertaining to the inclusion of a sample (not exhaustive) list of items to disclose. Committeemember Koppell suggested that such a list, if included, be incorporated as an appendix.

Chairman Kavanaugh advised that in accordance with previous discussion, completed disclosure forms would be submitted to the City Clerk, who would in turn provide a monthly report to the Ethics Advisory Board.

3. Review and consider merger of handbook formats.

Chairman Kavanaugh stated that a draft has been prepared of the handbook format. Chairman Kavanaugh noted that language pertaining to "General Character" has been moved to the beginning of Section II.

Committeemember Koppell related minor typographical corrections and suggested various changes in language to the proposed handbook.

Assistant to the City Manager Ellen Pence recommended that clarification be provided relative to the reference to Warren Buffet on page 2. Committeemember Newth suggested that the name be replaced with a generic term. Committeemember Jennings recommended use of such terms as "businessman," "executive," or "CEO."

Chairman Kavanaugh advised that additional information is needed pertaining to the terms candor, honesty, fairness, and effort. Members of the Committee suggested that sample language first be obtained from leading textbooks as opposed to drafting new language at this time.

Committeemember Newth spoke concerning the extensive research conducted in the field of ethics by Mr. Bart Turner, Executive Director of the Valley Citizens League, Phoenix, and his interest in Mesa's activities. Committeemember Newth suggested that Mr. Turner be invited to provide input to the Committee.

Committeemembers noted that much of the initial work and development of philosophy has already been completed but recommended that Mr. Turner be utilized as a resource to review materials following compilation.

Discussion ensued concerning issues of Legal Compliance (Section II[C]), including disclosure of confidential information, harassment, discrimination, and attendance; the proposal to relate the intent of statutes/guidelines governing employee settings to those for Councilmembers and Boardmembers;

professionalism of Councilmembers and Boardmembers and a certain expectation of behavior; and suggestions to provide clarification within the Comments sections.

In response to a question from Committeemember Newth regarding political activities, Mr. Beets advised that more relevant provisions, such as the soliciting of employees, can be included. Chairman Kavanaugh noted the importance of informing Councilmembers and Boardmembers of rules governing political activity.

Chairman Kavanaugh stated that he will work with City staff to complete the remaining sections of the handbook as quickly as possible.

4. Discussion of adding new meeting dates.

Current meeting schedule (Tuesday, March 24, 1998, from 3:00 - 4:30 p.m.).

Following brief discussion, Chairman Kavanaugh stated that the next meeting of the Committee will be held on Tuesday, March 31, 1998, from 3:00 to 4:30 p.m.

5. Review other conflict of interest text.

Self-dealing and loyalty.

There was no discussion of this item at this time.

6. Discussion and consideration of agenda items for next meeting.

Chairman Kavanaugh indicated that he will attempt to distribute proposed text for the handbook by Friday, March 27, 1998, to enable review of the material by the Committee at the next meeting.

7. Adjournment.

It was moved by Committeemember Koppell, seconded by Committeemember Hughes, that the meeting of the Ad Hoc Committee on Ethics adjourn at 4:50 p.m.

Carried unanimously.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the meeting of the Ad Hoc Committee on Ethics of the City of Mesa, Arizona, held on the 12th day of March 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1998

BARBARA JONES, CITY CLERK