

## **Ethics Commission Minutes**

**December 4, 2007**

**Members Present:** Walker Beeson, Mary Ann Bramble, Randi Bryan, Danny Hill, Pam O'Brien, Sue Off, Carolyn Smith, Michael Sullivan, Julian Toporek

**Ex-Officos Present:** Janice Elliott; Recording Clerk, Bubba Hughes; City Attorney; Jason Buelterman, Mayor

**Members Absent:** Vivian Woods

### **Visitors:**

Vivian Woods, Clerk of Council, requested newly appointee's signatures on qualification forms.

Mayor Buelterman administered the oath to the two newly appointees: Julian Toporek and Mary Ann Bramble. Julian will be replacing a regular appointed commission meeting, term ending in 2010. Mary Ann has been appointed an alternate, term ending 2009.

Carolyn Smith called the meeting to order. Roll was called.

Carolyn introduced the two newly appointed members.

Pam O'Brien made a motion to approve the minutes. Randi Bryan seconded. Minutes were approved.

Carolyn Smith opened the complaint. It was established that the complaint did not meet the checklist because there was no signature. There was discussion on the matter. So this would not happen in the future, Julian Toporek made a motion that when the Clerk of Council receives the complaint that she would ask the complainant if the complaint was signed with a signature and make that part of her checklist. Sue Off seconded the motion. Motion was passed by the Commission.

There was discussion on whether the complainant needed to state that he/she was aware that by signing the complaint that it was "under penalty of perjury." It was decided that complainant did not need to make that statement on the complaint, since it was so clearly written in the checklist.

Instead of sending the complaint back by mail for a signature and establishing another meeting after the complaint was returned signed, it was decided to call the complainant to see if he would be willing to come and sign the complaint. The complainant was contacted and agreed to come to sign the complaint. Once signed, the Commission deliberated the complaint.

Randi Bryan and Bubba Hughes recused themselves due to conflicting interests and left the meeting.

Sue Off made a motion to go into Executive Session to discuss the complaint. Danny seconded. The Commission voted to go into Executive Session.

Pam O'Brien made a motion to end Executive Session and return to the regular meeting. Michael Sullivan seconded. The Commission voted to return to the regular meeting.

A motion was made by Walker Beeson to return the complaint to the complainant because the stated alleged violation occurred prior to the enactment of the Ethics Ordinance on July 15,2007. He reference Section 2.03-(5) of the Code of Ethics which states that “This Code does not apply to action occurring prior to its enactment.”

Pam seconded the motion. There was discussion and the motion was approved by the Commission.

Carolyn Smith will return the packet with a letter stating the outcome of the meeting via certified mail within 7 days. She will also reference in the letter the effective date of the ordinance – July 15, 2007.

**Next scheduled meeting of the Commission: Monday, February 25, 2008.**

Danny Hill made a motion to adjourn the meeting. Julian Toporek seconded.

Meeting Adjourned.