

**CITY OF PHOENIX  
ETHICS COMMISSION  
Summary Minutes  
September 19, 2024**

Phoenix City Hall  
12<sup>th</sup> Floor, Central Conference Room  
200 W Washington St.  
Phoenix, AZ 85003

Committee Members Present

Jose Samuel (Sam) Leyvas III, Chair  
Patricia Sallen, Vice Chair  
Cheryl Pietkiewicz  
Peter Schirripa

Committee Members Absent

**1. Call to Order/Roll Call**

Chairman Leyvas called the meeting to order at 3:00 p.m. with Commission Members Cheryl Pietkiewicz and Peter Schirripa present. Vice Chairwoman Patricia Sallen joined virtually.

**2. Commission Attorney Explains Public Comment**

Elizabeth Nillen, Commission Attorney, stated members of the public may speak for up to two minutes on agenda items and gave direction on appropriate decorum when providing comments.

**3. Approval of Meeting Minutes from June 20, 2024**

Commissioner Pietkiewicz made a motion to approve the minutes of the June 20, 2024, Ethics Commission Meeting. Commissioner Schirripa seconded the motion which passed unanimously 4-0.

**4. Update on Resolved Complaints**

Ms. Nillen discussed the draft language for the template letters. The letters will be sent to the Complainants and Respondents. The general language was proposed by the Chair during the June 20, 2024, meeting.

Chairman Leyvas stated he had minor grammatical changes for the template letters.

Ms. Nillen recommended Template 1 for the Complainants and Respondents of EC-19-01 because the inquiry did not have an affirmative vote of four members.

Ms. Nillen recommended Template 1 for the Complainants and Respondents of EC-20-01 because the inquiry did not have an affirmative vote of four members.

Ms. Nillen recommended Template 2 for the Complainants and Respondents of EC-20-02 because there was an affirmative vote that inquiry lacked jurisdiction or was facially insufficient.

Chairman Leyvas asked the Commission if they had any concerns or objections. The Commission had none.

Chairman Leyvas directed the Commission Recording Secretary to send the letters once he has provided the minor grammatical edits.

**5. Call to Public**

There are no members of the public signed up to speak today.

**6. Review of Current Complaints**

Commissioner Pietkiewicz made a motion to convene in Executive Session to obtain legal advice and to discuss any or all of the pending complaints.

Commissioner Schirripa seconded the motion which passed unanimously 4-0.

The Commission entered Executive Session at 3:10 p.m.

The Commission returned from Executive Session at 4:16 p.m.

Chairman Leyvas stated EC-21-01 was discussed during the June 20, 2024, meeting when the inquiry was tabled. The item should have been under Agenda Item 4.

Chairman Leyvas asked if the Commission would make a motion on EC-21-02.

Commissioner Pietkiewicz made a motion to accept jurisdiction of EC-21-02 and EC-22-01 and request Commission's Counsel to investigate and prepare a written report. Commissioner Schirripa seconded the motion.

Chairman Leyvas opened the floor to discussion from the Commission.

Chairman Leyvas called for the roll call vote. The motion passed 4-0 by the following roll call vote:

**Yes:** 4 – Chairman Leyvas, Vice Chairwoman Sallen, Commissioner Pietkiewicz, and Commissioner Schirripa

**No:** 0

EC-21-02 and EC-22-01 will be investigated.

Chairman Leyvas asked if the Commission would make a motion on the two remaining inquiries.

Commissioner Pietkiewicz made a motion to accept jurisdiction of EC-23-01 and request Commission's Counsel to investigate and prepare a written report. Commissioner Schirripa seconded the motion.

Chairman Leyvas opened the floor to discussion from the Commission.

Commissioner Pietkiewicz asked Deryck Lavelle, Chief Assistant City Attorney, if it is outside of the standards or rules of a Councilmember to endorse, or participate in, particular activities in which another party was involved.

Ms. Nillen asked for clarification if Commissioner Pietkiewicz was asking about a Councilmember endorsing a specific party or endorsing an event in which another party also joined them. Commissioner Pietkiewicz stated she is asking about both scenarios. She further clarified by asking what a Councilmember can endorse and participate in.

Mr. Lavelle stated Councilmembers can make recommendations or endorse a ballot measure or a candidate, provided they are not using City resources. There is a state statutory provision, Arizona Revised Statutes §9-500.14, that prohibits the use of public resources to influence the outcome of elections.

Commissioner Pietkiewicz asked if that provision extends to ancillary personnel or only to the Councilmembers. Mr. Lavelle clarified the provision specifically references the use of City resources, which includes personnel, structures or anything that is associated with the municipality.

Chairman Leyvas called for the roll call vote. The motion passed 4-0 by the following roll call vote:

<b>Yes:</b>	4 – Chairman Leyvas, Vice Chairwoman Sallen, Commissioner Pietkiewicz, and Commissioner Schirripa
<b>No:</b>	0

EC-23-01 will be investigated.

Chairman Leyvas asked if the Commission would make a motion on any of the other inquiries.

Commissioner Pietkiewicz made a motion to accept jurisdiction of EC-23-02 and request Commission's Counsel to investigate and prepare a written report.

Chairman Leyvas opened the floor to discussion from the Commission.

Commissioner Pietkiewicz asked Mr. Lavelle to explain the role of a Councilmember in terms of their responsibilities and relationship over City Manager and City employees.

Mr. Lavelle explained the City Council sets policy, and the City Manager governs the management of the City's day-to-day operations. The City Council hires the City Manager. Any other personnel positions within the City is within the jurisdiction of the City Manager's Office and is not within the Council's jurisdiction

Chairman Leyvas called for the roll call vote. The motion failed 2-2 by the following roll call vote:

**Yes:** 2 –Vice Chairwoman Sallen and Commissioner Pietkiewicz  
**No:** 2 - Chairman Leyvas and Commissioner Schirripa

EC-23-02 will be dismissed.

**7. Future Agenda Items and Meeting Dates**

Chairman Leyvas opened the floor to discussion.

Chairman Leyvas asked staff if any other inquiries have been received. Inger Erickson, Deputy City Manager, stated no other inquiries have been submitted.

Ms. Erickson asked Chairman Leyvas if the draft language is approved for the letters. Chairman Leyvas stated yes, and sending the letters would become a standard administrative function after the Commission votes on an inquiry.

Commissioner Pietkiewicz asked for an update on the fifth Commission member vacancy. Ms. Erickson stated applications are still needed to fill the vacancy.

Chairman Leyvas recommended keeping the current posted schedule of meetings, and if there is no new inquiries or updates on investigations, they will cancel the upcoming meeting one to two weeks in advance. The next meeting is scheduled for October 17, 2024.

Chairman Leyvas stated new officers will need to be elected during the December meeting to begin their roles starting at the January meeting.

**8. Adjournment**

Chairman Leyvas adjourned the meeting at 4:27 p.m.