

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

Phoenix City Hall
12th 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 Vice Chairwoman Patricia Sallen present. Commission Members Cheryl Pietkiewicz and Peter Schirripa 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 September 19, 2024

Vice Chairwoman Sallen made a motion to approve the minutes of the September 19, 2024, Ethics Commission Meeting. Commissioner Pietkiewicz seconded the motion which passed unanimously 4-0.

4. Process of Complaints – Referral to Outside Agencies

Chairman Leyvas introduced Agenda Item 4 to discuss the process of the complaints, specifically the referral of complaints to outside agencies.

Ms. Nillen explained the issue of how the Commission will handle complaints when they need to be referred to an outside agency. The Commission has authority to refer to criminal investigation if the matter presents an issue that is subject to potential criminal action. Ms. Nillen discussed a few options for the timeline and process and opened the floor to discussion.

Chairman Leyvas introduced the public speaker, Mr. Jeremy Thacker.

Mr. Thacker addressed transparency and concern that the complaints are being withheld from the public. He asked when the documents would be made available to the public if it was referred to an outside agency.

Chairman Leyvas opened the floor to discussion.

Chairman Leyvas expressed his inclination to make decisions as a full Commission, noting there is a continuum of situations that could necessitate referral to an outside agency.

Vice Chairwoman Sallen expressed a similar concern about the timeline. She asked about provisions for emergency meetings.

Ms. Nillen stated the Commission could follow the City's procedures for emergency meetings and have a meeting 24 hours after the notice is posted.

Commissioner Pietkiewicz asked what constitutes an emergency.

David Benton, City Chief Counsel, stated he would confirm the City rules for requesting an emergency meeting.

Chairman Leyvas stated the ability to set an emergency meeting could be a resolution to the process, allowing the full Commission to decide on the referral while being timely to the urgent situation.

Ms. Nillen asked Mr. Benton if this could also constitute a special meeting.

Ms. Erickson mentioned the inquiries come to the Commission through the City Clerk, who also have their duty to report depending on the situation.

Commissioner Pietkiewicz asked if the Commission would need to take any action if the City Clerk reported the incident to the Police upon receipt to City Clerk.

Ms. Nillen stated the Commission's role is to defer matters until the outside agencies investigations' been concluded, but it is the Commission's role to refer it under the rules. The question being discussed is whether the Commission has a process for reviewing and promptly referring an inquiry to the appropriate agency if the City Clerk has not done so.

Vice Chairwoman Sallen referenced Ordinance 2-53(1), *Initial Evaluation by Commission*. She stated the Ordinance dictates the Commission must meet to refer the item to the proper authority for investigation and prosecution if it may involve a crime.

Chairman Leyvas agreed the Commission has a process but there is an opportunity to improve the speed of the process.

Chairman Leyvas asked to move to the next agenda item, as Mr. Benton is reviewing the City's policies on emergency or special meetings.

The Commission moved to Agenda Item 5 at 3:16 p.m.

The Commission returned to Agenda Item 4 at 3:23 pm.

Mr. Benton stated under Arizona Revised Statutes § 38-431.02(D), there is a process to go through for an actual emergency. The section states an actual emergency exists due to unforeseen circumstances; immediate action is needed to avoid some serious consequence that will result from waiting until required notice could be given. There are other processes the Commission would need to complete but an emergency meeting can be called if it meets the rubric.

Vice Chairwoman Sallen asked Mr. Benton to confirm the quickest way the Commission could meet, aside from declaring an emergency meeting as defined above.

Mr. Benton confirmed the Commission may meet as quickly as 24 hours after the notice is posted.

Chairman Leyvas stated there is no action needed for this item and summarized the options for meeting.

Ms. Erickson noted virtual meetings as an option if needed.

The Commission returned to Agenda Item 7 at 3:26 p.m.

5. Elect Chair and Vice Chair

Commission Member Pietkiewicz nominated Sam Leyvas to act as Chairman for 2025. The motion passed unanimously 4-0.

Commission Member Pietkiewicz nominated Patricia Sallen to act as Vice Chairwoman for 2025. The motion passed unanimously 4-0.

6. Call to Public

Chairman Leyvas introduced the public speaker, Mr. Jeremy Thacker.

Mr. Jeremy Thacker signed up to speak but had no additional comments.

7. Review of Current Complaints

Chairman Leyvas introduced the public speaker, Mr. Jeremy Thacker.

Mr. Jeremy Thacker stated the investigative reports are not available to the public.

Ms. Nillen stated that in accordance with the City Code 2.53(K), the report will be provided to the Ethics Commission for such action as the Ethics Commission deems appropriate. The report will not be available for public inspection under the Arizona public records act until after the final action by the Ethics Commission. For example, if the Commission were to make a decision today, they could request Ms. Nillen to follow-up with a finalized report. The final report would not become a public record until the Commission approved the final report.

Mr. Jeremy Thacker stated the City Code referenced does not overrule the public records law for Arizona. He stated that the Commission conducts the entire review process in private, without transparency to the public, until the item goes to City Council.

Chairman Leyvas stated he would provide Mr. Thacker opportunity to speak again after the Commission returns from executive session and discusses any actions or resolutions.

Chairman Leyvas paused discussion on Agenda Item 7 to return to Agenda Item 4.

The Commission moved to Item 4 at 3:23 pm.

The Commission returned to Item 7 at 3:26 pm.

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 3:27 p.m.

The Commission returned from Executive Session at 4:52 p.m.

The Commission does not have any action to take.

Chairman Leyvas introduced the public speaker, Mr. Jeremy Thacker.

Mr. Thacker stated the documents should not be confidential unless they were seeking legal advice during the full executive session time.

Chairman Leyvas stated the Commission has provided a response to this concern in previous meetings. The Commission could provide a response in writing if the concern or question is sent to the Ethics Commission inbox.

8. Future Agenda Items and Meeting Dates

Chairman Leyvas opened the floor to discussion.

Chairman Leyvas discussed the schedule for 2025. The Commission will meet on the third Thursday of each month, with the exception of June due to a holiday.

9. Adjournment

Chairman Leyvas adjourned the meeting at 4:57 p.m.