June 9, 2026, 3:30 pm

ETHICS REVIEW BOARD MEETING MINUTES

COMMITTEE MEMBERS PRESENT: Councilmember Julie Pignataro, Councilmember Amy Hoeven, Councilmember Melanie Potyondy

COUNCILMEMBER PRESENT: Anne Nelsen

STAFF PRESENT: Jenny Lopez Filkins, Briana McCarten

CALL MEETING TO ORDER:

ROLL CALL

Councilmember Pignataro, Councilmember Hoeven, and alternate member Councilmember Anne Nelsen were present at the beginning of the meeting. Councilmember Potyondy joined the meeting at 3:40, after the April 13, 2026, minutes were approved.

APPROVAL OF APRIL 13, 2026, MINUTES

Hoeven moved to approve the minutes from the last committee meeting, which was seconded by Nelsen. The Motion passed unanimously.

Discussion about whether City Code §2-578(b), which is about reporting Councilmember contacts with City staff regarding a non-routine City matter to City Council, should remain as is, be deleted, or be amended.

Senior Deputy City Attorney Jenny Lopez Filkins provided an overview of the Agenda Item Summary (the "AIS") pertaining to the proposed Code change. The AIS presents three options that address the circumstances that gave rise to the Code change.

Pignataro pointed out that discussion of the proposed Code change should consider any potential circumstances and not only the circumstances specific to Advisory Opinion 2026-1.

Pignataro expressed her preference for Option 2 presented in the AIS, which modifies the trigger for reporting to exclude reporting requests made in the course of administering a project that has already been disclosed or approved pursuant to ethics rules. Lopez Filkins clarified that Option 2 would continue to prohibit requests for special treatment, would continue to prohibit the circumstances that brought this topic to the fore, and requires reporting contacts with City staff that are not in relation to a non-routine City matter and is not within the Councilmember's role as an officer of the City.

Hoeven expressed her opinion that Option 2 did not address all situations that a Councilmember could face when deciding what requests should be reported. Hoeven questioned whether Section 2-578(b) needs to be changed because the current language already prohibits requests for special treatment. Lopez Filkins advised that Option 1, which outlines specific exceptions to the reporting requirements, states a Councilmember is exempt from reporting requests that do not seek special treatment and are within the scope of a Councilmember's role as a City officer.

Lopez Filkins explained that each option presented in the AIS creates an exception to the reporting requirements. Hoeven stated her preference for the two options that describe the exceptions more specifically.

Lopez Filkins recalled that City Council enacted the reporting requirements in response to a previous Councilmember's request for special treatment related to fees and rates regarding a development within the City.

Pignataro reiterated that the question before the Ethics Review Board (the "Board") is whether to keep Section 2-578(b) as it is currently written, delete the Section, or amend the Section.

Nelsen expressed her preference for Option 1 because it offers clarity and would be easy to apply to future Councilmembers' circumstances. Potyondy expressed her desire to ensure that Section 2-578(b) is applicable to future circumstances. Lopez Filkins stated her opinion that the exceptions outlined in Option 1 are broad enough to apply to circumstances in which a Councilmember is working on a project for the City in the scope of their employment.

Pignataro expressed her opinion that Option 1 could be interpreted to exempt all Councilmember requests to City staff from the reporting requirements. Lopez Filkins suggested adding language to Option 1 that would make an exception to the reporting requirement contingent upon the services being provided on behalf of the City comply with ethics rules. Lopez Filkins then suggested adding language to Option 1 that would make an exception to the reporting requirement contingent upon a Councilmember receiving an ethics opinion confirming that the services they provide to the City are not a conflict of interest.

Potyondy expressed her preference for Option 3, which permits making a disclosure at the beginning of project in which a Councilmember provides services to the City and then excepting subsequent requests related to the project, because it provides transparency to the public provided that it include a requirement that the Councilmember had sought an ethics opinion related to the services. Lopez Filkins suggested adding language to Option 3 that would require an ethics opinion authorizing the services provided to the City prior to the project being exempted from reporting requirements.

Potyondy stated that if Option 1 is selected, she would like it to include a requirement that a Councilmember seek an ethics opinion authorizing the services provided to the City prior to the project being exempted from reporting requirements, following all ethics rules,

and keeping Council apprised of any projects or services provided to the City in the scope of their employment.

Lopez Filkins asked the Board to confirm that they would like to recommend to City Council an amendment to Section 2-578(b) that reflects Option 1. The Board confirmed and then paused the meeting so that Lopez Filkins could draft proposed code language that incorporates the Board's comments.

The Board reconvened.

Lopez Filkins presented her draft proposed code language to the Board.

Lopez Filkins advised that language in subsection 1 requiring an ethics opinion be issued and approved by City Council should explain that the requirement should explain the work that the opinion permits.

Potyondy asked if subsection 2 would apply to a Councilmember's work on services to the City generally or if they would be required to report every project in which they provide services to the City. The Board discussed that it would not be onerous to report each project.

The Board differentiated subsections 2 and 4. Subsection 2 relates to filing a disclosure, while subsection 4 relates to the specific service to the City at issue.

"Special treatment" is addressed in section 2-576 of Code, but "preferential treatment" is not. The Board struck "preferential treatment" from subsection 5. "

Regarding subsection 5, Potyondy asked if a modification of "applicable requirements" would fall under a "waiver" or "discretionary action". The Board added "or modification" to subsection 5.

Potyondy stated her opinion that the edited version of the proposed Code language is sufficient.

Potyondy moved to approve the proposed amendments to Code section 2-576(b). Hoeven seconded the motion. The motion passed unanimously.

The City Attorney's Office will present the proposed amendments to City Council at a date to be determined.

Evaluating circumstances that may trigger a "personal interest," as that term is defined in the Charter and City Code in response to Nick Armstrong's September 30, 2025, submission

Pignataro summarized the circumstances that led to Armstrong's submission. In 2025, some Board and Commission members failed to disclose involvement in a community organization. Armstrong questioned what circumstances trigger a "personal interest" as that term is defined in the City Charter and Code.

Pignataro suggested that the Board could decide to leave the language as it is or propose amendments. Pignataro expressed her opinion that the definition in Charter and Code should be left as it is because a broad definition will encompass more possible situations that could constitute a “personal interest”.

Hoeven expressed her opinion that the Charter and Code definition be left as is because if a board or commission member were to allow a personal interest to inform their decision as a board or commission member, it does not implicate the safeguards contemplated in the Charter or Code.

Potyondy expressed her opinion that the Charter and Code definition be left as is because the Code of Conduct, which is not codified, can be adjusted to include real world examples whereas changes Code language is more difficult. Lopez Filkins clarified that City Council approved the Code of Conduct and therefore any changes would need to be presented to City Council. Lopez Filkins then suggested that “personal interest” could be more fully explained in the Boards and Commissions Manual (the “Manual”).

Lopez Filkins clarified that the application process for a Board or Commission member includes a statement that the applicant will abide by the Code of Conduct and that the resolution appointing boards and commissions members makes clear that the individual has agreed to comply with the Code of Conduct.

Lopez Filkins stated that neither the Manual nor the Code of Conduct contemplates the situation presented in Armstrong’s submission.

Lopez Filkins explained that the current definition of “personal interest” requires a “substantial and direct” interest. Two other municipalities’ codes use the terms “direct” and “indirect” but do not include the term “substantial”. Lopez Filkins asked if a Board or Commission member’s involvement in an outside community organization is a substantial or direct interest. Hoeven expressed her opinion that the terms “influence” and “interferes” may apply to the circumstances in Armstrong’s submission.

Lopez Filkins pointed out that the definition of “personal interest” is part of the City Charter and therefore any amendments to the definition would need to be a ballot initiative.

Lopez Filkins suggested that a matrix could be added to the Manual or the Code of Conduct and provides whether specific examples would qualify as a personal interest. Lopez Filkins also presented the option to add a topic to the Manual that when a board or commission member is involved in an outside community organization, they should disclose that involvement prior to participating in a vote of the board or commission. If the involvement does rise to the level of personal interest, they may not participate in the vote and advocate for the position of the outside community organization.

Potyondy expressed that it would be beneficial to explicitly delineate the difference between an individual’s role as a board or commission member versus their role in an outside community organization. Lopez Filkins clarified that any change to the Manual must be approved by a City Council resolution.

Pignataro discussed that an individual's role as a board or commission member may conflict with their role in an outside community organization. Potyondy stated that it is beneficial to a board or commission for a member to state the role in which they are acting on behalf of.

Lopez Filkins suggested the option to add an explanation of "personal interest" into the Manual that is similar to other municipalities' definitions. Pignataro talked about how other municipalities' definitions address a councilmember's intent to interfere, which is not part of the City's definition. The Board discussed that any addition to the Manual could include a statement about how the intent to interfere would qualify as a personal interest. Lopez Filkins suggested including a policy in the Manual stating that a board or commission member should abstain from voting on a decision if they think they are influencing a decision based on their involvement with an outside community organization. Potyondy suggested a statement addressing independence of judgment. Pignataro suggested including a statement that a board member should err on the side of caution when evaluating if their involvement in an outside community organization could influence their or other board members' decision-making. Lopez Filkins clarified that there are remedies for violations of the Manual. Pignataro stated her preference for imposing a deadline for the boards and commissions coordinator to draft changes to the Manual. The Board suggested that it is a good opportunity to make other additions, such as setting an expectation that board or commission members turn on their cameras while participating in a remote meeting.. Potyondy requested that the boards and commissions coordinator consult the City's ADA coordinator with respect to accommodation requests related to turning cameras on during remote meetings.

OTHER BUSINESS

None.

ADJOURNMENT

The meeting adjourned at 4:50 pm.

Minutes approved by the Chair and a vote of the Board on July 24, 2026.