

**April 13, 2026, 5:00 pm**  
**ETHICS REVIEW BOARD DRAFT MEETING MINUTES**

COMMITTEE MEMBERS PRESENT: Amy Hoeven, Melanie Potyondy, Julie Pignataro  
STAFF PRESENT: Jenny Lopez Filkins, Briana McCarten  
OTHERS PRESENT: Councilmember Anne Nelsen, City Manager Kelly DiMartino

**Call Meeting to Order**

**Roll Call**

**Approval of March 4, 2026, and March 31, 2026, Minutes**

Potyondy moved to approve the March 4, 2026, and March 31, 2026, minutes. Hoeven seconded the motion. The motion passed unanimously.

**Presentation of a Draft Advisory Opinion in response to Councilmember Anne Nelsen's request for an advisory opinion regarding possible conflicts of interest that may arise from her employment with [au]workshop**

All Board members confirmed that they had reviewed the draft Ethics Opinion 2026-01 (the "Opinion") prior to the meeting.

Pignataro raised a question about City Code Section 2-578(b), which requires a councilmember who contacts an employee about a request in connection with the employee's role about a matter that is not a routine City member to report the contact. It was clarified that Ethics Review Board can review and make recommendations to City Council about changes to City Code Section 2-578 (the "Code Section"). Pignataro further suggested that the intent of the word "routine" in the Code Section with respect to a Councilmember may be a change that the Ethics Review Board ("ERB" or "Board") could review. One suggestion is that the language in the Code Section could state that a determination as to whether an act is a routine City matter could be left up to the discretion of Council as to what reporting would be needed. Senior Deputy City Attorney Jenny Lopez Filkins stated that City Code provides a definition of "routine City matter" and pointed out that only requests of staff about a non-routine City matter must be reported. A request is defined as a demand, petition, or solicitation asking a person or party to act.

Potyondy said she did not feel comfortable with the Board discussing other business related to Councilmember Anne Nelsen's circumstances after she and her attorney had left the March 31, 2026, meeting. Potyondy stated her opinion that, while the Opinion accurately reflected the March 31, 2026, meeting discussion, any recommendations related to the City Code Section 2-578(b) regarding reporting requests of City staff in connection with a non-routine matter should not be included. This topic was discussed after Nelsen and her attorney had left the meeting. Potyondy expressed her opinion that the language in the Code Section is ambiguous.

Pignataro requested removing the paragraph in the Opinion that addresses City Code

Section 2-578(b). Lopez Filkins stated that the paragraph may be removed at the discretion of the Board. Pignataro provided two options for addressing the Opinion's reference to the Code Section: 1) hold another meeting with Nelsen and her attorney, or 2) bring the issue to City Council to change the language of the Section. Lopez Filkins clarified that it is not required to bring the issue to City Council strictly because the Board struck the paragraph from the Opinion. The Board may independently decide to make a recommendation to City Council to change the Code Section's language.

Lopez Filkins clarified that City Council adopted City Code Section 2-578(b) several years ago.

Potyondy stated that Nelsen is subject to City Code regardless of the Opinion and reiterated her opinion that because the Code Section was not discussed with Nelsen and her attorney at the March 31, 2026, meeting, it should not be included as part of the Board's recommendation.

Potyondy suggested that the Code Section language should be reviewed because it is unreasonable to require Nelsen to report every interaction she has with City staff to City Council within 24 hours.

Lopez Filkins provided context about City Code Section 2-578(b). City Council implemented City Code Section 2-578(b) to address a concern about a Councilmember making a request of City staff for an exception to a standard rule. The situation at issue during the Code Section's implementation is different than Nelsen's circumstances working on City projects as part of her employment. "Request" is defined as "the act of asking for something." "Routine City matter" is defined in City Code as a usual and ordinary registration, reservation, or other request or application that the general public can also make. Potyondy stated her opinion that language does not contemplate Councilmembers who interact with City staff in a professional context.

Pignataro suggested that because "routine" is defined in City Code, she doesn't recommend a change to the definition but does recommend a change to the reporting requirement. She asked if Nelsen would like to have another meeting with her lawyer present to discuss application of City Code Section 2-578(b) to her circumstances. Nelsen expressed that it would have been helpful to her to have been included in the discussion at the March 31, 2026, meeting. Nelsen suggested that she report to City Council at the beginning of work on a City project. She stated her opinion that it is not the intent nor is it helpful for her to report each interaction she has with City staff throughout a project. Pignataro stated that the Board agrees with that suggestion. Lopez Filkins clarified that the reporting requirement only applies when a request is made and is not so broad as to include every interaction. Potyondy stated her opinion that Nelsen may request documents from City staff as part of her work on a City project and that it would be unreasonable to expect Nelsen to report each such request. City Manager Kelly DiMartino offered that previously the City has interpreted City Code Section 2-578(b) to apply when someone asks for special treatment. Lopez Filkins reminded the Board that the way the Code Section is written, requests made to City staff that are about non-routine

City matters would be subject to the reporting requirement.

Lopez Filkins reiterated that City Code Section 2-578(b) can be changed. DiMartino clarified that the Board can bring forward a request for a Code change to City Council. Potyondy expressed a desire to recommend a Code change that would narrow the scope of the definition of “request”. Hoeven expressed her opinion that the definitions of routine and non-routine are also ambiguous.

Pignataro suggested that the language in the draft ethics opinion that noted City Code Section 2-578(b) and said the Board does not consider Councilmember Nelsen’s contacts with staff while working for [au]workshop on City projects to be “routine” matters should be removed from Ethics Opinion 2026-01.

Lopez Filkins virtually shared an editable version of the draft Opinion and made the Board’s requested changes. Agreement to correct any misspellings of Councilmember Nelsen’s last name was made.

The Board agreed that Lopez Filkins had removed the appropriate sections of the draft Opinion. Nelsen agreed with the Board.

Pignataro clarified that Nelsen will not participate in City Council’s consideration of the Opinion, but that she will participate in City Council’s consideration of changes to the Code Section.

Potyondy moved to adopt Ethics Opinion 2026-01 as amended. Hoeven seconded the motion. The motion passed unanimously.

**Preliminary discussion about defining “personal interest”**

The Board agreed to schedule another meeting to discuss: 1) the Code Section, and 2) defining “personal interest”. The Board agreed that these topics are not time-sensitive because the risk of someone alleging that Nelsen is in violation of City Code is extremely low.

**Other Business**

Nelsen clarified that she is currently working on a City project for [au]workshop.

Lopez Filkins stated that the Opinion will be placed on City Council’s May 5, 2026, regular meeting.

Hoeven left the meeting at 6:00 p.m.

**Adjournment**

The meeting adjourned at 6:01 p.m.

Minutes approved by the Chair and a vote of the Board on June 9, 2026.