

Margo Morales, Chair
Barbara A. Pollack, Vice Chair
Raul Añorve, Commissioner
Lani De Benedictis, Commissioner



Luke Fiedler, Commissioner
J. P. Shotwell, Commissioner
Susan Wise, Commissioner

FINISHED AGENDA & MINUTES

**ETHICS COMMISSION IN-PERSON/VIRTUAL HYBRID MEETING
PURSUANT TO AB 361 (GOV. CODE SECTION 54953(e)(1)-(2))**

CALL TO ORDER (3:05 PM)

At 3:05 PM, Chair Morales called the meeting to order.

ROLL CALL (3:05 PM)

Commissioners Raúl Añorve, Lani De Benedictis, Luke Fiedler, J. P. Shotwell,
Present: Susan Wise, Barbara Pollack and Margo Morales

Also present: April Walker, Administrative Deputy City Manager; Julian Cernuda, Assistant to the City Manager; Heather Van Wijk, Ethics Officer; Taylor Anderson, Deputy City Attorney; Jonathan Nagayama, City Clerk Analyst.

REGULAR AGENDA (3:06 PM)

1. [22-078EC](#) Recommendation to approve the minutes of the Ethics Commission Regular Meeting on Wednesday, October 12, 2022.

**A motion was made by Commissioner De Benedictis,
seconded by Commissioner Añorve, to approve
recommendation. The motion carried by the following vote:**

Yes: 6 - Raúl Añorve, Lani De Benedictis, Luke Fiedler, Susan Wise, Barbara Pollack and Margo Morales

Abstain: 1 - J. P. Shotwell

2. [22-079EC](#) Recommendation to receive and file an update on the Code of Conduct and Ethics.

Heather Van Wijk, Ethics Officer, spoke; and presented the staff report.

Commissioner Wise spoke.

Vice Chair Pollack spoke.

Taylor Anderson, Deputy City Attorney, spoke.

Chair Morales spoke.

Taylor Anderson, Deputy City Attorney, spoke.

Commissioner Shotwell spoke.

Chair Morales spoke.

Commissioner Añorve spoke.

A motion was made by Commissioner De Benedictis, seconded by Commissioner Shotwell, to approve recommendation. The motion carried by the following vote:

Yes: 7 - Raúl Añorve, Lani De Benedictis, Luke Fiedler, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

3. [22-080EC](#) Recommendation to receive and file a presentation on the City's hiring process, including classification position types and classification determination methodology.

Julian Cernuda, Assistant to the City Manager, spoke.

Christina Pizarro-Winting, Executive Director of Civil Service, spoke; and provided a PowerPoint presentation.

Vice Chair Pollack spoke.

Christina Pizarro-Winting, Executive Director of Civil Service, spoke.

Commissioner Shotwell spoke.

Christina Pizarro-Winting, Executive Director of Civil Service, spoke.

Chair Morales spoke.

Christina Pizarro-Winting, Executive Director of Civil Service, spoke.

A dialogue ensued between Chair Morales and Christina Pizarro-Winting, Executive Director of Civil Service.

Vice Chair Pollack spoke.

Christina Pizarro-Winting, Executive Director of Civil Service, spoke.

Commissioner Shotwell spoke.

Christina Pizarro-Winting, Executive Director of Civil Service, spoke.

Chair Morales spoke.

Christina Pizarro-Winting, Executive Director of Civil Service, spoke.

Vice Chair Pollack spoke.

Christina Pizarro-Winting, Executive Director of Civil Service, spoke.

Commissioner De Benedictis spoke.

Christina Pizarro-Winting, Executive Director of Civil Service, spoke.

A dialogue ensued between Commissioner De Benedictis and Christina Pizarro-Winting, Executive Director of Civil Service.

Commissioner Shotwell spoke.

Christina Pizarro-Winting, Executive Director of Civil Service, spoke.

A dialogue ensued between Commissioner Shotwell and Christina Pizarro-Winting, Executive Director of Civil Service.

Chair Morales spoke.

Christina Pizarro-Winting, Executive Director of Civil Service, spoke.

Commissioner Shotwell spoke.

Christina Pizarro-Winting, Executive Director of Civil Service, spoke.

Vice Chair Pollack spoke.

Christina Pizarro-Winting, Executive Director of Civil Service, spoke.

A dialogue ensued between Vice Chair Pollack and Christina Pizarro-Winting, Executive Director of Civil Service.

A motion was made by Commissioner Wise, seconded by Commissioner De Benedictis, to approve recommendation. The motion carried by the following vote:

Yes: 7 - Raúl Añorve, Lani De Benedictis, Luke Fiedler, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

4. [22-063EC](#)

Recommendation to adopt resolution amending the Rules and Procedures of the Ethics Commission to include a Commission Disclosure Policy and the Campaign Contribution Policy previously adopted by the Commission.

Taylor Anderson, Deputy City Attorney, spoke; and presented the staff report.

Commissioner Shotwell spoke.

Taylor Anderson, Deputy City Attorney, spoke.

Commissioner Wise spoke.

Commissioner Fiedler spoke.

Commissioner Shotwell spoke.

A dialogue ensued among Commissioner Wise, Commissioner Fiedler, and Commissioner Shotwell.

A motion was made by Commissioner Shotwell, seconded by Commissioner Fiedler, to approve recommendation and adopt Resolution No. E.C. 01-2022, as amended on the floor. The motion carried by the following vote:

Yes: 7 - Raúl Añorve, Lani De Benedictis, Luke Fiedler, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

Enactment No: E.C. 01-2022

5. [22-081EC](#)

Recommendation to conduct a study session to discuss the October 12, 2022, memorandum titled “Notice of Alleged Violations of the City’s Ethics Policy” regarding the conduct of certain Councilmembers; and, if appropriate make recommendations to the City Council related to any actions identified in said memorandum.

Taylor Anderson, Deputy City Attorney, spoke; and presented the staff report.

Commissioner Añorve spoke.

Vice Chair Pollack spoke.

Taylor Anderson, Deputy City Attorney, spoke.

Commissioner De Benedictis spoke.

Taylor Anderson, Deputy City Attorney, spoke.

Commissioner Wise spoke.

Chair Morales spoke.

Taylor Anderson, Deputy City Attorney, spoke.

A dialogue ensued among Chair Morales, Commissioner Wise, and Taylor Anderson, Deputy City Attorney.

Commissioner De Benedictis spoke.

Commissioner Wise spoke.

Taylor Anderson, Deputy City Attorney, spoke.

A motion was made by Commissioner Wise, seconded by Commissioner De Benedictis, to approve recommendation, as amended, to [1] continue the item to the Ethics Commission meeting of Wednesday, December 14, 2022; [2] request additional information including the videos related to the complaint, the City Attorney Memo on Legal Restrictions on Campaign Activities, a presentation on LBMC Chapter 1.26 and related FPPC regulations on advertisements and disclosures, and any updated response from the FPPC on the complaint; and [3] recommend the City Council be notified about the complaint. The motion carried by the following vote:

Yes: 7 - Raúl Añorve, Lani De Benedictis, Luke Fiedler, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

6. [22-086EC](#)

Recommendation to receive and file a report from the Ad Hoc Committee on the Development of an Ethics Program Motto and to adopt a recommendation of two or three mottos for City employees to vote on.

Commissioner Añorve spoke; and provided a PowerPoint presentation.

Heather Van Wijk, Ethics Officer, spoke.

Vice Chair Pollack spoke.

Heather Van Wijk, Ethics Officer, spoke.

Chair Morales spoke.

Commissioner Shotwell spoke.

Commissioner Wise spoke.

Chair Morales spoke.

Commissioner Shotwell spoke.

A motion was made by Commissioner Añorve, seconded by Commissioner De Benedictis, to approve recommendation, as amended, to recommend all four mottos selected by the Ad Hoc Committee on the Development of an Ethics Program Motto for City employees to vote on. The motion carried by the following vote:

Yes: 7 - Raúl Añorve, Lani De Benedictis, Luke Fiedler, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

7. [22-082EC](#)

Recommendation to review the Ethics Commission Action Plan and approve any updates.

Julian Cernuda, Assistant to the City Manager, spoke; and presented the staff report.

Vice Chair Pollack spoke.

Commissioner Wise spoke.

Julian Cernuda, Assistant to the City Manager, spoke.

A dialogue ensued between Commissioner Wise and Julian Cernuda, Assistant to the City Manager.

Commissioner Shotwell spoke.

A motion was made by Commissioner Shotwell, seconded by Commissioner Wise, to approve recommendation. The motion carried by the following vote:

Yes: 7 - Raúl Añorve, Lani De Benedictis, Luke Fiedler, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

8. [22-083EC](#)

Recommendation to request feedback from affected City Departments on the draft Investigations Protocol presented previously by an Ad Hoc Committee (Intake and Investigations and Oversight of the City Ethics Program).

Chair Morales spoke.

A motion was made by Commissioner De Benedictis, seconded by Commissioner Añorve, to approve recommendation. The motion carried by the following vote:

Yes: 7 - Raúl Añorve, Lani De Benedictis, Luke Fiedler, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

9. [22-084EC](#)

Recommendation to receive and file a monthly update from the Ethics Officer.

Heather Van Wijk, Ethics Officer, spoke; and presented the staff report.

Commissioner Shotwell spoke.

A motion was made by Commissioner De Benedictis, seconded by Commissioner Wise, to approve recommendation. The motion carried by the following vote:

Yes: 7 - Raúl Añorve, Lani De Benedictis, Luke Fiedler, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

10. [22-085EC](#)

Recommendation to receive and file a report from the Ad Hoc Committees; and, if necessary, take appropriate action to dissolve or create Ad Hoc Committees.

Vice Chair Pollack spoke; and presented a report.

Chair Morales spoke.

A motion was made by Commissioner Shotwell, seconded by Commissioner Añorve, to approve recommendation, as amended, to dissolve the Ad Hoc Committee on the Ethics Commission Communication Policy and the Ad Hoc Committee on the Development of an Ethics Program Motto. The motion carried by the following vote:

Yes: 7 - Raúl Añorve, Lani De Benedictis, Luke Fiedler, J. P. Shotwell, Susan Wise, Barbara Pollack and Margo Morales

11. [22-087EC](#) eComments and emails received for the Ethics Commission meeting of Wednesday, November 9, 2022.

This EC-Agenda Item was received and filed.

PUBLIC COMMENT (5:12 PM)

No members of the public addressed the Commission.

ANNOUNCEMENTS (5:12 PM)

Commissioner Shotwell spoke.

Commissioner De Benedictis spoke.

Chair Morales spoke.

ADJOURNMENT (5:13 PM)

At 5:13 PM, there being no objection, Chair Morales declared the meeting adjourned.

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NOTE:

If written language translation of the Commission agenda and minutes for non-English speaking persons is desired, please make your request by phone to the Office of the City Clerk at (562) 570-6101, 72 business hours prior to the Commission meeting.

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