

ISSUE: ADEQUATE DISCLOSURE BY MEMBERS OF BOARDS AND COMMISSIONS AND SUPERVISORY BOARDS

1. Current jurisdiction of Board of Ethics extends only to the sufficiency of the disclosure, not to the decision by the body/chair on the disclosure.
2. Board membership is often transitory; training in ethics is limited. Although MOA could put together a video of general ethics conflict training, most helpful would be a video with examples that a particular board is likely to face.
3. Sanctions for board members failing to disclose or adequately disclose may be heavy handed when board members are volunteers and often lack ethics training.
4. Complaints to the Ethics Board would be required to be filed within 30 days of disclosure, but given Ethics Board schedule, may not be heard for at least one month if not more. Therefore, remand by the Ethics Board for additional disclosure may wreak havoc – i.e., putting in question board actions/recommendations for extended period of time. Perhaps, lessen 30-day requirement to 10 days.
5. Can remand be partial – back to board/commission to determine whether the one person should have disclosed, but if no change in final vote, no undoing of the final action/recommendation? But Ethics Board will be concerned with the impact of the member who did not disclose on the discussion and the outcome.

POTENTIAL CODE CHANGE

1.15.060 Conflicts of interest

E. Duty and Procedure for Disclosure.

2. Board and Commission Members and Elected Officials: Members and officials shall disclose potential conflicts of interest to the body:

- e. Following disclosure and a ruling by the chair or body,
 - i. for assembly members, school board members, and the mayor, the jurisdiction of the Board of Ethics is limited to the sufficiency of the disclosure.
 - ii. for service area supervisory board members and board and commission members, the jurisdiction of the Board of Ethics includes both the sufficiency of the disclosure and the accuracy of the ruling of the chair or the body.

iii. Requests for review by the Board of Ethics must be filed with the municipal clerk, in writing or on a prescribed form, within 30 days of the disclosure or ruling.

iv. The Board's review shall include a statement of additional information that should have been disclosed to assist the body in its ruling on the disclosure. The Board may also recommend additional remedies, including training for the board or commission. Only in the most egregious failures to disclose shall the Board recommend remand. Because of the importance for elected officials, board and commission members, and the public to know the Board of Ethics response, the Board should consider expediting these requests for review.

5. Finality of Ruling:

a. Assembly member, school board, and the mayor participation in an official action in accordance with the terms of this chapter shall be considered ethical action in fulfillment of the duties of the public servant. A public servant may not be sanctioned for acting in compliance with the final determination of the appropriate decision maker.

b. Service area supervisory board members and board and commission members participation in official action may be reviewed by the Board of Ethics and if the disclosure or ruling was not conducted in accordance with the terms of this chapter, it may result in additional remedies, including training for the board or commission, or in the most egregious failures to disclose, in a remand to the body.