

**CITY OF PHOENIX
ETHICS COMMISSION
Summary Minutes
March 27, 2025**

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 3:03 p.m. with Vice Chairwoman Patricia Sallen and Commissioner Peter Schirripa present. Commissioner Cheryl Pietkiewicz 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 January 16, 2025

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

Mr. Thacker had no comments.

Vice Chairwoman Sallen made a motion to approve the minutes of the January 16, 2025, Ethics Commission Meeting. Commissioner Schirripa seconded the motion, which passed unanimously 4-0.

4. Approval of Meeting Minutes from February 6, 2025 (Special Meeting)

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

Mr. Thacker stated the minutes are missing a section before the meeting was called to order. He asked if there is a policy that states when the meeting begins.

Ms. Inger Erickson, Assistant City Manager, asked for clarification from the speaker. She asked if he was referring to the time the Commission and staff were working through technical difficulties.

Mr. Thacker stated there were conversations between the Chairman and the attorney about agenda items after it was announced a quorum was present.

Ms. Erickson stated the conversation was not part of the actual meeting so it was not included in the minutes.

Mr. Thacker stated it was a violation of the law.

Chairman Leyvas asked for a motion from the Commission.

Vice Chairwoman Sallen made a motion to approve the minutes of the February 6, 2025, Ethics Commission Meeting. Commissioner Schirripa seconded the motion, which passed unanimously 4-0.

5. **Ethics Website Review and Demonstration**

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

Mr. Thacker stated there were no materials included in the packet. He does not have comments to make before the item is presented.

Ms. Erickson stated the City underwent an update to the entire website on Monday, March 24, which broke links and required updates to the ethics page. Staff are still working through these updates. Ms. Erickson turned the presentation to Ms. Rebecca McCarthy, Special Projects Administrator.

Chairman Leyvas stated the agenda topic came up at the last meeting. He wanted to discuss how the Commission thinks about the accessibility and transparency of the Commission's work for the public. He requested a review of the website to identify ways to improve and encourage accessibility for a variety of aspects, including how to submit an ethics complaint.

Ms. McCarthy shared her screen and reviewed the contents of the City of Phoenix Ethics Page and timeline for when documents are updated.

Chairman Leyvas reviewed ethics websites from other cities, such as City of Philadelphia's Board of Ethics, and reported on his findings. He noted the ease of submitting a complaint on Philadelphia's website and recommended the Commission review how to update the City's website. He noted that while the Commission does not have jurisdiction over employees, the Phoenix Ethics webpage combines the work of the Commission with other employee resources.

Commissioner Schirripa agreed with the Chairman's and recommended a specific call to action or landing page for submitting an Ethics Complaint for the Ethics Commission.

Chairman Leyvas discussed designing the page so the form is more accessible.

Vice Chairwoman Sallen reviewed the webpage contents, including the reports, after reading the New Times article. She stated she agrees with the recommendations for how to make the information more readily accessible to members of the public who want to know what the Commission is doing and those who want to submit an Ethics Complaint.

Chairman Leyvas recommended the Commission consider creating an annual report or sharing visual data of the complaints in the future. He shared examples from Philadelphia's website.

Ms. Erickson compared the two cities' forms of government and explained why Philadelphia's volume of complaints may be higher, since their Board reviews employee complaints as well. Employees of the City of Phoenix are reviewed by the Civil Service Board.

Chairman Leyvas asked staff how the ideas and recommendation discussed could be implemented. He noted the website combines all ethics for the City; however, the Commission only handles a small portion. He recommended creating options on the website to separate information about employee ethics versus Board, Commissions and Council member ethics.

Ms. Erickson recommended staff could internally discuss ideas and provide design options to the Commission at a later meeting.

Vice Chairwoman Sallen agrees with the recommendations and direction.

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

Mr. Thacker stated the discussion is valuable, but the discussion on the website is irrelevant if the structure and rules of the Commission are not right. The website only shows the past and is not transparent for what is currently being discussed.

6. Process on Reviewing Complaints

Chairman Leyvas discussed the need for transparency at many levels and stated that every Ethics Commission has some level of confidentiality rules, some even more stringent than Phoenix's. He noted the Ethics Commission functions uniquely from other Board and Commissions across the City. Unlike other Boards and Commissions who focus more on adopting regulations or developing policies, the Ethics Commission is tasked with investigating complaints of ethical violations.

Chairman Leyvas stated that general agenda items discussing policies and approaches should have the opportunity for a call to the public; however, when discussing specific complaints, it would not be appropriate to have public

comment. He discussed options to provide Complainants and Respondents the opportunity to provide their comments, through investigative interviews or hearings.

Commissioner Schirripa shared his experience dealing with HR complaints in the private sector. He asked Chairman Leyvas if through his research, he noted how other cities publish their reports and when.

Chairman Leyvas stated he would review his research. He commented on the public comments made during the February 6 meeting.

Vice Chairwoman Sallen agreed with the need for transparency but stated it would be counterproductive to have whole process in the public. She recommended the report becomes public once the investigator has collected the information and both sides have been given due process. The public can provide comments and feedback once the report is posted. She referenced the first sentence of Ethics Commission Rules of Procedure, Rule 4, Section C about confidentiality. She noted a dilemma in providing complete transparency with the process.

Chairman Leyvas referenced his prior work with the Civil Service Board, stating they do not allow public comments on appeals. He stated when finalizing future agendas, unless the Commission prefers otherwise, he is not inclined to schedule public comments for active complaints and investigations moving forward.

Ms. Erickson stated during the Civil Service Board process, members who have a complaint against them or are filing an appeal have the option to make the case public. She also stated the original eight complaints were requested and provided via a public records request before the Commission was seated. Since the Commission is seated, the process has changed to be consistent with the Commission's procedures.

Chairwoman Sallen asked if there is a way for public to review and provide comments on the completed reports.

Chairman Leyvas suggested the public may submit their comments in writing to the Commission or may speak during the meeting's Call to the Public agenda item. He stated the public may also provide public comments at a City Council meeting.

Chairman Leyvas discussed the letters and suggested providing more explanation in the future to provide context to the Complainant and the Respondent. He also recommended adding a paragraph about Commission's rules of procedure and how many votes are required to move the complaint forward.

Chairman Leyvas asked if there is value in splitting the investigators report and posting when available. He provided examples from his research on other cities' processes. He noted that unlike other cities, the City's Ethics Commission has one person act as their general counsel and investigator. He asked if there may be an option to publish a portion of the report for discussion and then publish a final decision.

Vice Chairwoman Sallen noted the current report may not be as user friendly to the general public. She recommended an executive summary to be included for the report. She also recommended providing additional context for the letters.

Chairman Leyvas agreed with the Vice Chairwoman. He stated the Commission will continue discussing ways to improve the information made available.

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

Mr. Thacker strongly disagreed with the Commission's discussion of their process and changes. He stated not having public comment on certain aspects of the meeting would be illegal, and public records and meetings are defined by the state. Mr. Thacker stated he was never contacted by the investigator for his complaint. He stated he emailed documents to the Commission regarding someone else's complaint after the Commission had voted on a decision.

7. Discussion of Ethics and Gift Policies

Chairman Leyvas introduced the item and opened the floor to discussion. He stated the Commission has the opportunity to review the ethics and gift policies and make recommendations to the City Council to add, remove, or change policies.

Chairman Leyvas noted the Commission also has the ability to issue opinions on how to interpret the current ethics policies and provided an example of specific circumstances.

Chairman Leyvas stated the Philadelphia Board of Ethics issues advisory opinions where members of the public, elected officials and employees may ask for advice or ask general questions.

Ms. Nillen noted that under City Code 25-3 J, the Ethics Commission may issue advisory opinions regarding the ethics and gift policy issues upon request by an elected official or board member and make recommendations to Council.

Chairman Leyvas asked Ms. Nillen to confirm what abilities the Commission has to issue opinions.

Chairman Leyvas referenced the three Ethics Handbooks: one for elected officials, one for Boards and Commission Members, and one for Employees and Volunteers. He noted the Commission may have an opportunity to take more ownership over the handbook and offer recommendations for improvement.

Ms. Erickson will review the request with City Management and Law and discuss the opportunity for the Commission to recommend revisions on the 2017 Ethics Handbooks for the Board and Commission Members and Elected Officials.

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

Mr. Thacker stated his frustration with the process and timeline, noting that four of the meetings were cancelled last year. He stated the policy should have been discussed earlier in the process and asked if the handbook is part of the policy.

8. Call to Public

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

Mr. Thacker stated the Commission is under a legal hold and a lawsuit is coming. He stated communication between Commission members and staff should not be deleted.

9. Review of Current Complaints

Chairman Leyvas introduced the item EC-23-01 and asked Ms. Nillen if there were updates.

Ms. Nillen stated she has information to report, and it was confidential in nature.

Vice Chairwoman Sallen made a motion to convene in Executive Session to obtain legal advice on EC-23-01. Commissioner Schirripa seconded the motion, which passed unanimously 4-0

The Commission entered Executive Session at 4:11 p.m.

The Commission returned from Executive Session at 4:57 p.m.

No action was taken.

10. Future Agenda Items and Meeting Dates

Chairman Leyvas opened the floor to discussion.

The Commission did not discuss any items.

11. Adjournment

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