

COBI ETHICS BOARD
Regular Meeting
Wednesday, October 8, 2025
In-person and via Zoom

Minutes

1. CALL TO ORDER/ROLL CALL—6:31 PM

Present: Doña Keating (Chair), Karen Anderson, Eve Sherling, Turner Vail, Andrew Tsoming (Counsel), and Peggy Nimb (City Staff) all present at opening of the meeting, Rafael Escandon (Dep Chair) joined at 6:49 via Zoom.

2. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

Approval of October 8, 2025, Agenda

MOTION: Karen Anderson; **SECOND:** Eve Sherling - Passed Unanimously (Escandon Absent)

Conflict of Interest Disclosure

Prior to deliberations on Complaints EB2021-04, EB2021-05, and EB2021-06, the following conflict of interest disclosures were made:

Chair Keating: Disclosed that Complainant had requested Keating's recusal based on her husband's April 27, 2021 email to City Council regarding matters including Complainant. Chair Keating explained that her husband's public comments on a public appointment process did not create a conflict of interest that would require her recusal from reviewing these complaints. She stated she had no personal or financial interest in the outcome of the Complaints and could review them impartially. Chair Keating opened the floor for discussion. No board member expressed concern about her participation. The board by consensus found that no disqualifying conflict existed. No board member expressed concern about her participation or disagreed with the consensus finding. No formal vote was taken, as Chair Keating was not disclosing an actual conflict under Article II, D.1, but rather responding to a complainant's allegation of conflict.

Deputy Chair Escandon: Disclosed that he had previously served with EB2021-05 Respondent on a board. He asked whether this relationship created a conflict of interest under Article II, D.1.b that would require his recusal. The board discussed whether the professional acquaintance constituted a "significant private interest" requiring recusal. The board voted unanimously (5-0) that the relationship did not constitute a disqualifying conflict and that Deputy Chair Escandon could participate in deliberations and voting on all three complaints.

No conflicts of interest disclosed by other members.

3. PUBLIC COMMENT

3.A Instructions for Providing Public Comment (Chair Keating)

No Public Comments Received.

4. REGULAR BUSINESS

4.A Approval of September 10, 2025, Minutes

MOTION: Eve Shirling; **SECOND:** Karen Anderson - Passed Unanimously (Escandon Absent)

4.B Outreach Opportunities –Saturday October 4 Farmer’s Market Outreach completed. Chair Keating, Dep Chair Escandon and EB member Sherling attended. Eve was consistently outgoing, encouraging applications of potentially qualified people. No applications were received yet at time of October EB meeting.

4.C. Review Status of Pending Complaints –
3 complaints to be reviewed at tonight’s meeting:

EB 2021-04
EB 2021-05
EB 2021-06

Discussion of each began with a brief summary presentation by Andrew Tsoming (counsel) on the background/history of the complaints (having been received in 2021 and held in abeyance of litigation which has been ongoing since that time) and instructions on process to be followed during deliberation for the benefit of the new EB members. Following Andrew’s instructions, a brief summary of the complaint, reference to the relevant section(s) of the ethics code alleged to have been violated, and the response were presented by Chair Keating to introduce the discussion of each.

EB 2021-04: Alleged violation of Article II, D. 1. c. in the Code of Ethics:

“Except as permitted in Subsections D2 or D3 below, amember of a City Committee.....shall not take any direct official action on a matter if they, or a member of their immediate family:

c. Are.....the owner of an interest in real.....property that would be significantly altered by that matter. Taking direct official action on, or regarding, legislation of general application does not “significantly affect” real.....property within the meaning of this subsection.

MOTION to dismiss **EB 2021-04** Rafael Escandon; **SECOND:** Eve Sherling - Passed Unanimously on the basis that the facts, even if true, do not rise above the threshold of what was intended by the ethics code and therefore do not constitute a violation.

EB 2021-05: Alleged violation of Article II, D. 1. b. in the Code of Ethics:

MOTION to permit Rafael Escandon to participate in deliberation and voting on complaint EB 2021-05 considering Escandon’s disclosure of knowing the respondent made by Karen Anderson. **SECOND:** Eve Sherling - Passed Unanimously (Escandon Abstained).

“Except as permitted in Subsections D2 or D3 below, amember of a City Committee.....shall not take any direct official action on a matter if they, or a member of their immediate family:

b. Have other significant financial or private interest in the matter.

MOTION to dismiss **EB 2021-05** the basis that the facts, even if true do not meet the threshold of a significant financial or personal interest as defined by the code. **Made by:** Rafael Escandon; **SECOND:** Turner Vail – Chair Keating and Karen Anderson also voted in favor – Motion Passed (4-1) with Eve Sherling dissenting.

EB 2021-06: Alleged violation of Article II, D. 1. c. in the Code of Ethics:

Notice: Given by Turner Vail that due to volume of material and time constraints, that he will abstain from voting on EB 2021-06.

“Except as permitted in Subsections D2 or D3 below, amember of a City Committee.....shall

