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Via Email Only (ClerksOffice@gilbertaz.gov)

Chaveli Herrera, Town Clerk
TOWN OF GILBERT
85 East Civic Center Drive
Gilbert AZ 85296

Re: Independent Investigation and Recommendation regarding
Ethics Complaints against Mayor Brigitte Peterson

Dear Ms. Herrera,

This report and recommendation (this “Report”) is made on five ethics complaints filed against Town of Gilbert Mayor Brigitte Peterson.¹ Two of the complaints arise from the Mayor’s communications concerning a proposed apartment project at the corner of Higley and Warner in Morrison Ranch. The third complaint questions the Mayor’s conduct and communications pertaining to the Town’s new logo and the TOG Wheelers club. The fourth complaint arises out of the proposal presented at the August 3 council meeting to revise the Gilbert Town Council’s rules of procedure governing citizen public comments. The fifth complaint addresses the Mayor’s denial of a citizen request to comment on a consent agenda item at the August 3 council meeting.

The four individuals who have submitted the five ethics complaints and the many other individuals whose emails and communications were reviewed, analyzed, and sometimes quoted in this Report are referred to by pseudonyms in the interest of privacy and to maintain a Mayor-centered focus. The submitters of the ethics complaints are identified by the first four letters of the Greek alphabet—Alpha, Beta, Gamma, and Delta, in the chronological order of their complaint submission. Other constituents are referred to by number, Constituent 1 and so on, in the order of their appearance in emails and documents. Some employees are referred to by their title rather than their name. The developer of Morrison Ranch is sometimes referred to as the “Developer,” and individual representatives of the Developer are referred to by name. This Report uses [brackets] to indicate where quoted language has been modified, including removal of identifying information from source materials and quoted references, but brackets are not used when pseudonyms or employee titles are substituted for actual names.

THE MORRISON RANCH APARTMENT PROPOSAL ETHICS COMPLAINTS

The first two ethics complaints arise out of the Mayor's communications and conduct pertaining to an anticipated Morrison Ranch rezoning for a proposed apartment project at the corner of Higley and Warner. The first complaint was filed by Alpha on June 8, 2021 with a June 10 update and a July 9 addendum. The second complaint was filed by Beta on June 10. A full understanding of the context of these two complaints requires an explanation of the anticipated Morrison Ranch rezoning request and the procedures pertaining to it.

Factual Background

The Morrison family has been farming in the Town of Gilbert since the 1930s and has been involved in development, politics, and community discourse in the Town of Gilbert for decades.² Mayor Peterson and Howard Morrison have a long acquaintance.³ After supporting another mayoral candidate in the primary, Howard Morrison contributed to and co-chaired Mayor Peterson's 2020 mayoral election campaign.⁴

The Morrison family is the Developer of Morrison Ranch, a 1,567-acre master planned community⁵ that includes 34.8 acres⁶ of vacant land at the northeast corner of Higley Road and Warner Road, of which the west 18.8 acres is zoned Shopping Center (SC) and the east 16 acres is zoned Multi-Family Low Density (MF/L) with a maximum density of 14 dwelling units per acre.⁷

On January 6, 2021, Scott Morrison contacted Gilbert Development Services staff regarding a new proposed Morrison Ranch zoning case.⁸ During a meeting of Morrison Ranch and Town representatives later that month, the Developer's representatives discussed a possible zoning amendment to expand the apartment area and increase its density. The Developer's representatives indicated that the density increase was to correct a discrepancy between the Town's Official Zoning Map and the zoning designations shown on the Morrison Ranch Planned Area Development adopted in 1998, which shows the area now zoned MF/L at the northeast corner of Higley and Warner as being zoned "R-3" (multifamily) with a maximum density of 16 dwelling units per acre.⁹

Before proceeding with the submission of a rezoning application, Town of Gilbert procedures required the Developer to hold a pre-application neighborhood meeting and to post and send out notices of the neighborhood meeting at least ten days before the meeting.¹⁰

Scott Morrison submitted a "Neighborhood Meeting Request Form" to the Town of Gilbert Planning Division on February 28, 2021.¹¹ The form shows the Developer's proposal to hold a March 15 neighborhood pre-application meeting to discuss a proposed zoning amendment to reduce the Shopping Center (SC) area to 12.6 acres at the immediate corner, to increase the apartment zoning area to a 22.2-acre area to the north and east, and to change the zoning of the

enlarged apartment zoning area from Multi-Family Low Density (MF/L) to Multi-Family Medium Density (MF/M). On March 1, 2021, the Developer mailed notices of the neighborhood meeting to owners of property within 300 feet of the proposed rezoning.¹² The notice included the proposed site plan, showing the location and acreages of the proposed rezoning.¹³

The Neighborhood Meeting Request Form, the Notice of Neighborhood Meeting, and the proposed site plan identify the MF/M density as allowing apartments at 14 to 25 units per acre. None of these documents explained that the Developer proposed a density cap of 16 dwelling units per acre.¹⁴ As a consequence, the information available to the public prior to the March 15 neighborhood meeting indicated that the application, if approved, would more than double the number of apartments entitled to be built on the property, from 224¹⁵ to 555.¹⁶ This misconception was not corrected until the March 15 neighborhood meeting, when Scott Morrison explained the Developer's contention that the existing entitlement is for 256 units¹⁷ and that the application would seek an increase to 355 units.¹⁸

On Saturday, March 13, Alpha posted on the Morrison Ranch Facebook page an explanation that the proposed rezoning would allow 555 apartments, and requested that Morrison Ranch residents send opposition emails to Gilbert councilmembers and participate in the March 15 meeting. The Facebook posting stated: "The amendment has already been filed and the Public Hearing is being held this Monday by the Town via Zoom."¹⁹ The application for the amendment had actually not been filed and has not been filed as of the date of this Report, and the March 15 meeting was the pre-application neighborhood meeting with the Developer, not a public hearing held by the Town.

Between March 13 and March 15, Gilbert councilmembers and 38 concerned constituents exchanged 117 emails regarding the proposed Morrison Ranch apartment project.²⁰ Mayor Peterson received or sent 82 of these emails.²¹

Mayor Peterson also exchanged emails with Howard Morrison on March 14. Their email exchange is attached.²²

By the time Mayor Peterson first contacted Howard Morrison at 10:06 a.m. on March 14, she had received emails from 14 constituents regarding the proposed Morrison Ranch apartment project. The emails included several statements indicating that the proposal had already been filed.²³

Mayor Peterson decided to respond to constituents promptly, but had heard about the proposal only in passing²⁴ and was not yet aware of its procedural posture. To respond accurately, she needed to determine the actual status of the project. March 14 was a Sunday. Mayor Peterson does not typically contact Town staff members on weekends.²⁵ So the Mayor reached out to Howard Morrison to determine the procedural posture of the proposal. Howard Morrison responded

with brief emails at 10:20 and 10:21 a.m., explaining that the meeting mentioned in the constituent emails was a March 15 pre-application neighborhood meeting.

Mayor Peterson then sent 31 emails to 24 constituents regarding the proposed Morrison Ranch apartment project between 11:57 a.m. and 9:40 p.m. on Sunday, March 14. The Mayor's initial emails to 23 of these 24 constituents²⁶ contained the same message:

The Town of Gilbert requires a pre-application meeting with neighbors. The 3/15 meeting is the first step in the potential rezoning process. This is your first opportunity, of many, to have your voices heard and your questions answered.

In most cases, the constituents simply thanked the Mayor for the additional information. Only Beta and Constituent 20 engaged in follow-up email discussions with the Mayor. Their email exchanges are attached.²⁷

Beyond discussing the procedural posture of the proposed apartment project, Mayor Peterson's email exchange with Howard Morrison forwards one of the opposition emails received by the Council, gives tallies of opposition emails received as of 10:06 a.m., 10:30 a.m., and 2:39 p.m. on March 14, tells Mr. Morrison the standard message she's sending to constituents (quoted above), and includes several statements that could be interpreted as friendly or even deferential.²⁸

Alpha and Beta's Ethics Complaints

Each Code of Ethics policy cited in Alpha and Beta's ethics complaints is quoted below, followed by an analysis of Alpha and Beta's claims about Mayor Peterson's conduct relative to that policy.²⁹

Policy 1. "Responsibilities of Public Service. ... Public Officials shall maintain the highest standards of integrity and honesty and shall treat all members of the public and fellow colleagues with respect, courtesy, concern and responsiveness."

"1.1 Fairness and Respect. All issues and citizens shall be handled with fairness, impartiality and respect. Public Officials have an obligation to treat all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting, by having an open mind on issues presented, and by being willing to listen to different points of view."

Alpha and Beta contend that Mayor Peterson crossed the line of "fairness, impartiality and respect" by her friendly communications with Howard Morrison, her tone discussing neighbor concerns, passing information to the Developer, identifying Beta by name as "the most aggressive...", and assuming the Developer

gave proper notice of the neighborhood meeting. Each of these subjects will be analyzed separately.

Mayor Peterson's friendly tone with Howard Morrison

Mayor Peterson's email exchange with Howard Morrison is friendly, arguably to the point of deference. Alpha and Beta contend that the Mayor's relationship with Howard Morrison as evidenced by this friendly and deferential tone shows a lack of impartiality.

On the campaign trail, candidates for public office declare their political platform and reveal the names of their campaign committee members and contributors. An elected official is not expected to abandon her political platform or supporters after being elected. Considered in its reasonable context, the "impartiality" obligation Code of Ethics Policy 1 requires Town of Gilbert elected officials to be professional and open-minded in their communications and actions. An elected official whose campaign co-chair was a developer doesn't violate her obligation to act with impartiality by being friendly and deferential to him any more than does an official elected on an anti-development platform who uses an unfriendly and undeferential tone with a developer.

Contrary to the contention in Alpha's complaint, Mayor Peterson's friendliness, even to the point of wishing Howard Morrison "Good luck!" before what was clearly going to be a contentious neighborhood meeting, does not show any preference for a particular outcome for the future apartment zoning case and does not run afoul of Policy 1's "impartiality" provision.

Mayor Peterson's tone discussing neighbor opposition

Alpha contends that Mayor Peterson "mocked the assertions made by citizens about the Morrisons 'manipulating the system/process to push the request through' in a facetious and dismissive manner" and in a way that "was not professional and just instigated further conflict."

Alpha's contention appears to be addressed specifically to the first paragraph of Mayor Peterson's March 14 at 2:12 p.m. email to Howard Morrison, in which she states:

Residents feel not enough notice was given for the 3/15 meeting. I did see the letter dated March 1st, they feel it was only sent to 5 or 10 neighbors and that the Morrison's control the HOA so they weren't notified by the HOA either. The "Morrison's" have manipulated the system/process to push this request through.

This investigator would not characterize Mayor Peterson's statement as having a mocking or unprofessional tone. It appears to be an accurate summary of the neighbors' concerns about the notice given for the neighborhood meeting. The substance of some of those concerns is addressed by Howard Morrison in his

2:21 p.m. email response, where he specifically explains the notice that was given and acknowledges that the HOA was not required to and did not forward notice to residents of Morrison Ranch.

Mayor Peterson's sharing of information with the Developer

Alpha contends that Mayor Peterson's emails to Howard Morrison gave the Developer "a heads up, inside information, so they could 'be prepared for response.'" The Mayor also shared that some residents intended to hire an attorney and were circulating a petition in opposition to the project. Alpha also notes that the Mayor shared with Howard Morrison her standard response to the neighbors, quoted on page 4 of this Report.

The Town's rules require a developer to hold a pre-application neighborhood meeting, but don't explain the purpose of the requirement.³⁰ Logically, a pre-application meeting requirement is intended to give a developer and other interested parties an opportunity to discuss a project before it is the subject of a formal application. In this case, the neighborhood meeting revealed very useful information. The neighbors learned that the Developer's goal was not to seek an increase from 224 to 555 units, but rather to seek an increase from 256 to 355 units. And the Developer learned that neighbors are by and large opposed to any apartment project on the site.

Taken as a whole, Mayor Peterson's Sunday March 14 email communications regarding the proposed Morrison Ranch apartment project give constituents prompt information about the actual procedural posture of the case, and alert the Developer to the neighborhood objections—exactly the type of information that would be expected in pre-submittal interactions between developers and surrounding property owners.

Whether Mayor Peterson's communications with the opposing neighbors and Howard Morrison helped or hurt the project is debatable, but it certainly helped citizens understand the process better. The Mayor's immediate release of her standard statement to the opposing neighbors, explaining that this is the first step in a long process, alleviated neighborhood concerns that a large apartment project was imminent or already approved.

Mayor Peterson's identification of Beta as "the most aggressive...."

Alpha and Beta contend that Mayor Peterson acted improperly in telling Howard Morrison that "Beta has been the most aggressive as I've tried to explain the process." Beta in particular expresses concern about being targeted in this way.

Beta was by far Mayor Peterson's most engaged correspondent on March 14. By the time the Mayor singled out Beta to Howard Morrison,³¹ Beta's ten

messages to the Mayor had included several somewhat antagonistic statements.³²

When asked why she singled out Beta to Howard Morrison, Mayor Peterson explained that in her more than 20 years of experience in zoning matters as a planning commissioner, councilmember, and now mayor, she has observed that land use negotiations often occur between the developer and the most vocal opponent.³³ However, Howard Morrison's responses clearly show that he had been closely following social media posts in opposition to the proposal and didn't need any help identifying a likely spokesman for the opposition.

In this investigator's opinion, Mayor Peterson exercised poor judgment in singling out a constituent as "the most aggressive" in her email exchange with Howard Morrison, but her conduct in doing so doesn't rise to the level of an ethics violation.

Mayor Peterson's allegedly dismissive response about notification concerns

Alpha and Beta also point to Mayor Peterson's dismissive response to concerns about the posting of neighborhood meeting notices. Beta told the Mayor "the sign posted does NOT appear to be to spec / size / regulation" and "Posted signage is suppose to be 25 feet from the road, when it is in actuality closer to 50ft. (Which we have documented via photo/video)." The Mayor doesn't directly respond to the concern about the posted sign, but on the general subject of the procedures says in an email to Beta that "The developer will be able to explain that process, they've done it many, many times" and says in an email to Howard Morrison that "I'm sure you followed requirements...."

The "photo/video" evidence referenced in Beta's email to the Mayor was a video taken by Alpha showing the posted sign and its exact location along Warner Road.³⁴

Considering the volume of neighborhood opposition appearing in the record before the March 15 neighborhood meeting, Mayor Peterson's dismissive attitude about the notices is perhaps understandable—the notices are to ensure public engagement, and they were certainly engaged. The March 15 neighborhood meeting was held via Zoom and was attended by about 270 people.³⁵ Despite this level of neighborhood involvement, Alpha and Beta argue that the opposition was placed at a disadvantage by finding out about the meeting only two days in advance.

The very specific nature of the questions raised by the neighbors about the manner of notice would make one expect the Mayor would at least forward the neighbors' concerns to Town staff for review and consideration, to answer neighborhood concerns about whether sufficient notice was given, and to decide whether to require a second neighborhood meeting.³⁶

This investigator's review of the record concludes that the required ten days' notice of the neighborhood meeting was mailed to all property owners within 300 feet and to all HOAs within 1,000 feet.³⁷ But did the Developer meet the posted notice requirement? The Town of Gilbert's notice requirement provides:

Applicant shall install a sign on the property in a location or locations clearly visible to adjacent residents setting forth the purpose, time, date, and place of the neighborhood meeting. Size, color, content, and location of the sign shall be designated by Town Council resolution for posting of public hearing and neighborhood meeting notices.³⁸

The Town graphic showing the required size, color, content, and location of the sign is attached.³⁹

Based on direction from Town staff, the Developer posted two signs on the subject property—one on the east side of Higley and the other on the north side of Warner.⁴⁰ Despite neighbors' concerns about the size, color, and content of the signs, the video evidence provided by Alpha clearly shows that the sign met these requirements.⁴¹

The Land Development Code, quoted above, requires one or more signs to be posted "in a location or locations clearly visible to adjacent residents...." Based on this general requirement, a reasonable person might expect that signs would be placed along all three roads surrounding the subject property, including along Bloomfield Parkway—the road used to access nearby residences, where neighbors are most likely to notice the sign. But Town staff required the sign only on Higley and Warner, in reliance on the sign criteria in the Town graphic, which states: "Sign(s) must be placed within 25 feet of the largest adjacent street(s)." Higley and Warner are unquestionably larger than Bloomfield Parkway.

Even overlooking the lack of signage on Bloomfield, Alpha's video clearly shows that the sign along Warner was a measured distance of approximately 51 linear feet from the north curb of Warner Road. The objecting neighbors repeatedly mentioned this discrepancy in their emails.

The Town's "Criteria for Neighborhood Meeting Sign" states that each sign "must be placed within 25 feet of the ... street." Town staff measures the distance from the public right-of-way of the street, not from the street itself.⁴² The public right-of-way is the property line separating the Town-owned real estate associated with the roadway from the privately-owned land. Along Warner Road, the right-of-way line runs along the north side of the sidewalk.⁴³ To meet the 25-foot criteria as interpreted by Town staff, the sign should have been located within 25 feet of the north edge of the sidewalk. Alpha's video shows that it was 28 feet from the north edge of the sidewalk. Howard Morrison, who personally

installed the sign, acknowledges that he did not measure when placing the sign.⁴⁴

Instead of requesting Town staff to follow up on constituent questions and concerns about notice, Mayor Peterson relied explicitly on the Developer's experience and told Howard Morrison, "I'm sure you followed requirements...." As it turns out, even a careful retrospective analysis of the notices for the March 15 meeting shows that Howard Morrison did in fact meet all requirements as interpreted by Town staff except for a three-foot discrepancy in the location of the Warner Road sign. Even so, Mayor Peterson's failure to at least request Town staff follow-up on the neighbors' concerns about notice was a lapse of judgment, in this investigator's opinion.

Policy 3. "Conflicts of Interest. The purpose of the conflict of interest laws is to prevent self-dealing by Public Officials and to remove or limit any improper influence which might bear on a Public Official's decision."

"3.3 Loyalty. Public Officials have an obligation to put the interest of Gilbert over personal considerations and to make the public's interest their primary concern."

The Alpha and Beta complaints contend that Mayor Peterson's relationship with the Developer constitutes a conflict of interest.

Policy 3 of the Rules of Ethics refers specifically to "conflict of interest laws." Arizona's conflict of interest laws are found at Arizona Revised Statutes section (A.R.S. §) 38-501, *et seq.* In general, they prohibit a public officer or employee from participating in any decision or action in which the public officer or employee has a financial or property interest, unless that interest falls within the definition of "remote interest."⁴⁵

Campaign contributions, campaign committee membership, and attitudes about development do not create a financial or property interest in the outcome of a zoning case and therefore do not create a conflict of interest under the Arizona conflict of interest statutes.⁴⁶

Policy 4. "Confidential Information. Gilbert is committed to maintaining an open and accessible government intended to engender trust and confidence from the public, while at the same time protecting confidential information as required or permitted by law."

"4.2 Public Officials shall not use confidential, privileged or protected information to advance the financial or other private interest of himself or herself or others."

The Alpha and Beta complaints contend that constituent emails and communications are confidential. Constituent email communications with

public officials are not confidential.⁴⁷ Morrison Ranch residents had no reasonable expectation that their concerns about the proposed Morrison Ranch apartment project would be treated as confidential. On the contrary, constituents notify their elected officials with the expectation of being heard and having their concerns acted upon.

Policy 6 “Code of Ethics Training. “

“ 6.1 Training. Public Officials shall attend at least one training session per term regarding ... this policy.”

Alpha questions whether Mayor Peterson has attended Code of Ethics Training.

Code of Ethics Policy 6 provides that all “public officials” “shall attend at least one training session per term regarding ... this policy.” The term “public officials” as defined in the Code of Ethics includes elected officials.⁴⁸

According to the Town Clerk and the Town Attorney, despite the express language to the contrary found in the Code of Ethics itself, Town of Gilbert elected officials have never been required to have Code of Ethics training, and neither Mayor Peterson nor any other current councilmembers have had the training.⁴⁹

According to Code of Ethics Policy 6, Mayor Peterson and the other councilmembers should attend at least one Code of Ethics training sometime during their current term.

Policy 7 “Procedures.”

“7.2 Obligation to Report Violations. Public Officials have a duty to report if another Public Official is violating laws or this Code of Ethics.”

“7.3 Interference with Duty to Disclose Violations. Public Officials shall never attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any person with the intent of interfering with that person's duty to disclose improper activity.”

Alpha and Beta report that Mayor Peterson attempted to persuade them not to submit ethics complaints against her. Alpha’s ethics complaint reports that the Mayor’s persuasion occurred in a June 7 telephone call where Alpha and the Mayor argued for 50 minutes about Alpha’s release of the Mayor’s email exchange with Howard Morrison.

Beta’s ethics complaint contends that the persuasion was in a June 8 phone conversation and in a June 10 email Beta received from Mayor Peterson in which she declined to recuse herself from future Morrison Ranch votes and stated:

During our conversation you stated “this isn’t a threat” prior to explaining you are a publicist and work with many major news agencies and that you requested I recuse myself from the Morrison Case or you would be turning the story over to those networks. You gave me a couple days to respond. I do believe your comments to me were threatening and I have such advised our Town Attorney, whom is copied above. I do not take lightly your comments.⁵⁰

The prohibition in 7.3 appears to be directed at those who have a duty under 7.2 to disclose violations—in other words, that one Public Official cannot intimidate another Public Official into not reporting unethical activity. Under that interpretation, 7.3 would not apply to Alpha and Beta, who are not Public Officials.

But 7.3 can also be read independently of 7.2 as prohibiting Public Officials from using intimidation against anyone to keep them from making an ethics complaint. Applying this more expansive reading of 7.3, did Mayor Peterson improperly intimidate, threaten, coerce, or influence Alpha or Beta not to make an ethics complaint against her?

Alpha’s ethics complaint acknowledges that Mayor Peterson “never ‘intimidated, threatened, coerced or commanded’ me to do anything,” but that she did try to influence Alpha not to move forward with the ethics complaint.

Beta’s ethics complaint contends that Mayor Peterson’s act of copying the Town Attorney on her June 10 email was a “strong arm tactic to intimidate me to stay quiet and/or to project that the town attorney supports her behavior.”

Mayor Peterson acknowledges the communications with Alpha and Beta, but reports that her June 7 phone conversation with Alpha and her June 8 phone conversation with Beta were mostly one-sided, with Alpha and Beta hardly letting her get a word in.⁵¹ The Mayor acknowledges that she declined both of their recusal demands.

Mayor Peterson’s phone calls with Alpha and Beta were not recorded. In the absence of a recording, it is impossible to judge whether the Mayor did anything beyond declining their recusal demands and explaining her actions and emails.

Mayor Peterson’s June 10 email to Beta simply reports what she perceives as a threat by Beta to recuse herself or be the subject of a negative media campaign. The Mayor’s June 10 email to Beta explains that she was “acting as a bridge between the parties.” Nowhere in the email does the Mayor ask Beta not to move forward with the media campaign or ethics complaint.

The record does not support Alpha or Beta’s contention that Mayor Peterson attempted “to use [her] authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing [Alpha or Beta] with the intent

of interfering with” Alpha or Beta’s pursuit of their ethics complaints or disclosure of the Mayor’s email exchange with Howard Morrison.

Alpha’s July 9 Ethics Complaint Supplement

The July 9 supplement to Alpha’s ethics complaint contends that Mayor Peterson’s conduct also constituted a violation of the Town of Gilbert Board, Commission, and Committee Handbook.⁵²

The Town of Gilbert Board, Commission, and Committee Handbook does not apply to the Gilbert Town Council. Its applicability is explained in the Foreword, which provides:

This Board, Commission, and Committee Handbook has been developed *to assist new and continuing members of Gilbert’s network of advisory boards and commissions* to better understand the general principles and operating issues of membership, Code of Gilbert requirements, and Council Policy Statements that relate to Boards, Commissions, and Committees. This Handbook contains major points and guidelines of responsibilities.

(Italics added.)

Certain laws of general application referenced in the Handbook do apply to the Gilbert Town Council, but they have already been addressed in the previous sections.

THE TOWN LOGO/WHEELERS CLUB ETHICS COMPLAINT

Gamma is an employee in the Town of Gilbert’s Office of Digital Government, the department responsible for the creation of the Town of Gilbert’s new logo.

Gamma’s ethics complaint contends that ‘the Mayor has made it publicly known that she has “disdain” for the new logo and branding of the Town that was created by the Office of Digital Government, and I believe that she has taken action to discriminate against me as an individual and that she is fostering a toxic work environment with relation to the logo as a result of this “disdain.” ’⁵³

In support of the complaint, Gamma discusses Mayor Peterson’s alleged conduct as an administrator of a Facebook group called the “TOG Wheelers Club,” which was at the time of Gamma’s complaint linked and described on the Town of Gilbert’s internal SharePoint “Gilbert Wellness” page as “a family friendly group who love to get together with other 4x4 enthusiasts made up of past and present Town of Gilbert employees.” Gamma identifies the TOG Wheelers group as a Town-sanctioned and Town-sponsored group, and contends that Mayor Peterson, as an administrator, improperly allowed inappropriate and misogynistic posts.⁵⁴

Gamma became a member of the TOG Wheelers in 2018, but was removed without notice in early 2021. Gamma's complaint includes screen shots from the TOG Wheelers Facebook page where the Mayor expresses dislike of the logo and makes disparaging statements about those who worked on the logo.⁵⁵ Gamma remembers seeing other inappropriate posts, but does not have access to the TOG Wheelers page, and a co-worker who does have access to the page declined to provide screen shots, fearing "repercussions."⁵⁶

When interviewed about the complaint,⁵⁷ Gamma reported hearing from a coworker that Mayor Peterson removed Gamma for spying on the group. Gamma contends that the Mayor's disdain for the logo has led the Mayor to make statements about

- "right-sizing" the Office of Digital Government
- threatening to make the lives of those who worked on the logo "hell"
- eliminating the logo team if she could
- the logo team pushing the logo in her face every time it was put on another building, location, or document.

Gamma claims to have heard Mayor Peterson's statements second-hand from other Town of Gilbert employees, but was willing only to provide the name and contact information for one witness. When contacted by this investigator, the one identified witness declined to participate in or provide any information for this investigation.

Mayor Peterson provided a written rebuttal of many of the allegations in Gamma's complaint.⁵⁸ She acknowledges her dislike of the new logo, but denies attacking Gamma or anyone else on the logo team, and contends that nobody in the Office of Digital Government should feel threatened in any way.⁵⁹ As far as Gamma feeling threatened for working on the logo, the Mayor stated that she would not have considered Gamma as one of the top five people who worked on the logo.

Mayor Peterson claims to have heard from others that Gamma was boasting about spying on the group and reporting allegedly inappropriate posts to the Office of Digital Government.⁶⁰ She provided a screenshot showing that Gamma was removed from the group not by her but by another administrator, citing non-participation, but the Mayor acknowledged that the removal occurred after she and the other administrator heard that Gamma was spying on the group.

The Town of Gilbert's Human Resources Director indicates that TOG Wheelers had no affiliation with the Town other than being linked on the employee wellness intranet page as an opportunity for employees to connect outside of work.⁶¹ The group is no longer linked on the Town's employee wellness intranet

page,⁶² and Mayor Peterson is no longer an administrator for the TOG Wheelers Facebook group.⁶³

Mayor Peterson made herself vulnerable to employee unequal treatment claims by being an administrator of a Facebook page linked on the Town of Gilbert's employee wellness intranet and by not recognizing the impact of her outspokenly negative comments about the logo on the morale of employees who worked on the logo. The former has now been fully remedied—Mayor Peterson is no longer an administrator, and any apparent connection between the Wheelers group and the Town has been removed.

Without the participation of independent witnesses, there is no evidence to support Gamma's claims that Mayor Peterson is creating a "toxic work environment" or is out to get the employee team who worked on the new Town logo. Mayor Peterson's disdain for the new Town logo is not an ethics violation.

This investigator finds no ethics violation by Mayor Peterson based on Gamma's ethics complaint.

THE PUBLIC COMMENT PROCEDURES COMPLAINT

The fourth ethics complaint against Mayor Peterson was filed by Delta on August 12⁶⁴ and supplemented on August 23,⁶⁵ questioning the Mayor's actions concerning a proposed ordinance to amend the Council Rules of Order and Procedure that appeared as Item 30 on the Gilbert Town Council's August 3 agenda ("Item 30").

Delta's August 12 Ethics Complaint

Delta's August 12 ethics complaint contends that Mayor Peterson committed an ethics violation with the substance of Item 30 and how it was brought forward. As to substance, Delta contends that Item 30 is designed to centralize power in the mayor and silence the public. Procedurally, Delta contends that Mayor Peterson "knowingly and willingly attempting to mislead the public and her fellow councilmembers either by acts of omission, deception and outright lies" by not placing Item 30 on a study session agenda, placing Item 30 on the consent agenda, failing to identify herself as the sponsor, and placing it at the end of a long agenda.⁶⁶

The substance of Item 30

Many of the changes in Item 30 would have given the mayor, rather than the whole council, the authority to decide how long individual citizens are permitted to speak during communications from citizens and public hearing agenda items and how much total time to devote to the communications from citizens portion of the agenda.⁶⁷ Delta's ethics complaint contends these changes give Mayor Peterson unfettered authority over public comments during meetings, including the ability to shut down those who disagree with her.

The way citizen comments actually occur at Gilbert Town Council meetings and the procedural safeguards in the hands of the other councilmembers make Delta's contention implausible.

Citizen comment durations are not established for individual speakers as they stand up to speak. They are set before all the citizens begin speaking.⁶⁸ And in any event, it is not the mayor but rather the vice mayor who currently presides over the communications from citizens portion of Gilbert Town Council meetings.⁶⁹

Item 30 left in place safeguards that give the full council ultimate authority over procedural issues during council meetings. Item 30 proposed no changes to Council Rules of Order and Procedure section 1-94, entitled "Suspension of rules," which provides:

Any of the provisions of this division may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the members present, except that this section shall not be construed to permit any action that is contrary to state statutes.

Item 30 also proposed no amendment to section 1-97 ("Conduct of meetings"), which requires the mayor to run meetings "generally in accordance with the parliamentary rules contained in *Robert's Rules of Order, Newly Revised*, except where *Robert's Rules of Order, Newly Revised*, conflict with this Code or other applicable state or local laws." Section 24 of *Robert's Rules* authorizes a motion to appeal the decision of the chair, which requires a majority vote of the assembly. Section 25 of *Robert's Rules* authorizes a motion to suspend the rules, which under *Robert's Rules* requires a two-thirds vote, modified by Town of Gilbert Council Rules of Order and Procedure section 1-94 to require a three-fourths vote.

If Item 30 had been adopted, the council would retain three options for addressing any overreach by the mayor. First, the council by majority vote could overrule any decision by the mayor concerning the duration of individual public comments or the overall duration of public comments. Second, the council could by three-fourths majority vote decide to temporarily suspend any of the public comment rules. Third, the council could permanently change any of its public comment rules by bringing a further amendment of the Council Rules of Order and Procedure back to the council for adoption by majority vote.

Mayor Peterson was sworn in as mayor at the January 12, 2021 special council meeting, and presided over 11 regular council meetings before August 3, when Item 30 was presented. In those 11 meetings, duration limits were placed on individual speakers five times,⁷⁰ the 15-minute overall duration was never used to cut off communications from citizens, the Mayor cut off a citizen's

microphone once,⁷¹ and individual speaker duration limits were leniently enforced.⁷²

During the August 3 council meeting, the Town Attorney explained that the presiding officer runs the meeting and sets duration limits on speakers at Gilbert Town Council meetings, whereas the current procedural rules would lead one to believe that the council does this by motion.⁷³

The substantive procedural revisions proposed by Item 30 do not constitute an ethical violation by Mayor Peterson. Item 30 proposed changes to the Council Rules of Order and Procedure that would have codified what was actually occurring at Gilbert Town Council meetings. If Item 30 had been adopted, the mayor and vice mayor would have continued to place durational limits on individual citizen comments. Not adopting Item 30 has highlighted the existence of the three-minute rule, making it unlikely that the mayor or vice mayor will reduce speaker duration without formal council action.⁷⁴

How Item 30 was Brought Forward

The August 3 Gilbert Town Council meeting was the first regular council meeting since June 15, when a crowd of citizens showed up in the council chambers carrying signs critical to Mayor Peterson and focused on her communications with Howard Morrison concerning the proposed Morrison Ranch apartment project.⁷⁵

At the August 3 meeting, Delta stated during public comments on Item 30 that the proposed changes were “tonally deaf and optically horrible.”⁷⁶ This position was echoed in the comments of one councilmember at the August 3 meeting.⁷⁷

Delta believes Mayor Peterson deceived her fellow councilmembers in four procedural ways. The first was not placing Item 30 on a study session agenda prior to bringing it forward for adoption. Several councilmembers indicated in their comments that a study session would have been preferred, and even Mayor Peterson acknowledges that it could have come forward at a study session.⁷⁸ But neither Arizona law nor Town of Gilbert procedures require a study session before bringing forward for adoption a proposed ordinance changing council procedural rules. It may not have been a good idea, but it wasn’t an ethics violation.

The second procedural deception Delta cites was placing Item 30 on the consent agenda. This contention is not supported by the facts. The August 3 agenda shows that Item 30 was on the public hearing agenda, not the consent agenda.

The third procedural deception Delta cites is failing to identify herself as the sponsor. The agenda materials for Item 30 are from Town Attorney Chris Payne.

The materials say nothing about Mayor Peterson's role in bringing Item 30 forward. During the August 3 meeting, comments from Mayor Peterson⁷⁹ and Councilmember Hendrix⁸⁰ clearly indicate that the changes were brought forward at Mayor Peterson's request.

Nothing in Arizona law or in Gilbert's rules require agenda materials to identify which councilmember or staff member instigated a particular code revision. Mayor Peterson explained her role in bringing forward Item 30 at the beginning of the council's discussion of Item 30—immediately after Town Attorney Chris Payne provided an overview of the revisions. There is no evidence to support the contention that Mayor Peterson deceived her fellow councilmembers about her involvement in Item 30.

The fourth procedural deception cited by Delta is Item 30's location at the end of a long agenda. The materials for Item 30 are found in the last 11 pages of the 744-page August 3 agenda package, and one councilmember mentioned reading through the agenda materials for a week prior and reaching the Item 30 agenda materials only the day prior to the meeting.⁸¹

The August 3 public hearing items are listed beginning on page 5 of the agenda. Similar items are listed together—liquor licenses are listed first and three code amendments are listed last.

Among the three Town Code amendments, Item 30 has the latest agenda materials approval dates,⁸² and appears to have been in the Town's workflow for the shortest period.⁸³ Item 30 was prepared and submitted by Town Attorney Chris Payne, and the August 3 agenda materials were assembled by the Town Clerk. The council itself is in a better position to decide whether Mayor Peterson could have had anything to do with where Item 30 was placed on the agenda, but the objective evidence indicates that it ended up last in normal, due course.

The August 23 Supplement to Delta's Ethics Complaint

Delta's August 23 supplement focuses on Mayor Peterson's explanation of what motivated her to bring Item 30 forward.⁸⁴ During the August 3 meeting, Mayor Peterson explained how she became aware of the discrepancies between the rules and how the meetings were actually run:

“We discovered this because I had a couple members of the public come to me and ask about communications from citizens and how it worked and how much time was allotted, and I had a councilmember come to me and ask the same thing, so I asked Chris to do a little digging and looking at the ordinance I discovered that we haven't been actually following the ordinance the way that it's written today.”⁸⁵

In response to later public records requests, Mayor Peterson identified the following May 19-20 email exchange as the councilmember communication she was referring to at the August 3 meeting:

From: Laurin Hendrix
Date: Wednesday, May 19, 2021 at 4:14 PM
To: Chris Payne, Brigette Peterson
Subject: Public Interim

Chris and Mayor Peterson,

Are there any guidelines, statutorily or otherwise, limiting the scope and demeanor of comments from the public during public interim?

We have repeatedly heard about “Unelected Bureaucrats” and other comments intended to degrade and demean Gilbert employees. The employee last night that felt he was overlooked for a promotion demeaned and denigrated the employee that earned the promotion. Whether or not the employee that was given the promotion deserved it is secondary. Accepting a promotion should not mean that an employee should be suggested to a public flogging by disenchanting co-workers that feel overlooked.

I know that this issue is the Mayor’s discretion and not mine. However, when I presided over the Maricopa County Community College Board, we did not permit any disparaging comments toward staff. No exceptions. More than once, I turned off the mic and asked the speakers to take their seats. Comments directed at elected officials were considered fair game but disparaging comments toward staff had a zero tolerance. I believe that we have a duty to protect our staff from these sorts of abuse. I don’t know whether the procedures that I used were instituted by me, by policy, or by statute. Is there any policy or statute dictating appropriate behavior?

Laurin

From: Brigitte Peterson
Sent: Thursday, May 20, 2021 8:54 AM
To: Laurin Hendrix; Chris Payne
Subject: Re: Public Interim

Laurin

My understanding has always been that we cannot limit what people say during communications. Chris can speak to that from the legal side... 2 meetings ago I did mute the speaker when he kept playing the “go kart sounds” because in my opinion, the speaker should be speaking directly to the Council.

In my over 5 years on the dais as a council member/mayor, I cannot remember anyone sharing comments like we heard from [the former employee] on Tuesday. I can’t remember anything directed towards staff other than the sewer line residents.

I keep telling the other council members that what we are seeing right now is not what we have seen in the past. In my 5 years, we probably had 6-8 residents TOTAL speak during Communications, that would be an average of 2 meetings a month for over 5 years. And only 1 man that came and spoke at every meeting for 6 or so months about feral cats.

I’d prefer to let the public be heard, that’s really what they want and if it makes them feel better, we and staff can take the comments.

Thanks
Brigitte

Referring to the above-quoted communications, Delta’s August 23 ethics complaint supplement states:

Most would consider this an outright lie. At the very least, the mayor misrepresented the Councilmember and misled the public as to the origins of her inquiry into the issue of changing the ordinance. Obfuscation of the truth is an understatement.

Councilmember Hendrix’s May 19 email gets into the workings of communications from citizens, but says nothing about the allotment of time to speakers. Mayor Peterson’s above-quoted statement at the August 3 council meeting indicates that citizens and a councilmember had asked “about communications from citizens and how it worked and how much time was allotted....” Mayor Peterson was mistaken when she said that a councilmember asked about how much time was allotted in communications from citizens.

Taken as a whole, Mayor Peterson’s above-quoted August 3 statement explains that she and Chris Payne looked at the existing procedural rules and realized they were inconsistent with the council’s actual practice as a result of being approached by a couple members of the public and a councilmember. It is more than plausible, even likely, that Mayor Peterson and Chris Payne would have looked at the rules in response to Councilmember Hendrix’s May 19 email. In it, he asks: “Is there any policy or statute dictating appropriate behavior?”

* * * * *

The existing council rules are inconsistent with how meetings were run before August 3. Upon discovering the discrepancy, Mayor Peterson asked the Town Attorney to draft an amendment to make the rules more closely match the council’s actual practice. Bringing the amendment forward was not an ethics violation.

It was poor judgment to bring Item 30 forward for adoption at the first regular council meeting after June 15, when a crowd showed up with signs in protest of the Mayor’s communications with Howard Morrison. With the unprecedented number of public comments received by the council in the first half of 2021, requesting discussion of the existing council rules during a study session would have been the more prudent approach for bringing about a better alignment of the rules and reality. Mayor Peterson was a party to this poor judgment—she could have requested that Item 30 be brought forward at a study session. But the attorney-client privilege prevents this investigator from determining whether she is solely to blame.

THE CONSENT AGENDA COMMENT COMPLAINT

The fifth ethics complaint arises from Mayor Peterson’s denial of Delta’s request to speak about an August 3 consent agenda item.

Delta submitted speaker request cards to speak about three items on the August 3 meeting—communications from citizens, consent agenda item 14 (“Item 14”), and Item 30.⁸⁶ Delta spoke during communications from citizens, but did not mention Item 14. When the consent agenda came up for discussion, Item 14 was pulled for separate discussion by Councilmember Yentes, who asked the Town Attorney whether the settlement addressed by Item 14 would preclude the Town from debarment of the contractor involved, and the Town Attorney explained that debarment could be done administratively notwithstanding the settlement. A discussion of the procedure for debarment ensued among Councilmembers Yentes and Tilque, Mayor Peterson, and the Town Attorney. The council then approved Item 14 unanimously without further discussion,⁸⁷ and Vice Mayor Koprowski turned presider duties back to Mayor Peterson.

Mayor Peterson then opened discussion of the August 3 public hearing items and noted that she had speaker requests for agenda item 23 (a liquor license), if necessary, and for Item 30. At that point, Delta's voice can be heard from the audience, saying there's also a request to speak on Item 14. Vice Mayor Koprowski responds, explaining that Item 14 is on the consent calendar and public comments are not permitted on consent items. Delta then makes an inaudible statement from the audience, and Mayor Peterson asks Town Attorney Chris Payne to address whether public comments are allowed on consent agenda items. Mr. Payne explains that there is no right for the public to be heard on consent items. No further discussion occurs on the subject, and the council proceeds with discussion of the public hearing items.⁸⁸

Mayor Peterson was sworn in as mayor in January 2021. During her tenure, no members of the public have requested or been permitted to speak on any consent agenda item.⁸⁹

On September 1, Delta filed "a formal ethics complaint against The Mayor for deprivation of my First Amendment right to speak on Agenda Item #14 on August 3, 2021," explaining that "Custom and practice by Council has allowed comments on agenda items back to the days of Susan Goodwin."⁹⁰

Delta's September 1 ethics complaint disputes the validity of the Town Attorney's legal advice, which Mayor Peterson implicitly followed by continuing with the public hearing portion of the agenda without allowing Delta to speak.

Mayor Peterson did not commit an ethics violation when she followed the Town Attorney's legal advice and declined to allow Delta to speak on consent agenda Item 14.

RECOMMENDATIONS

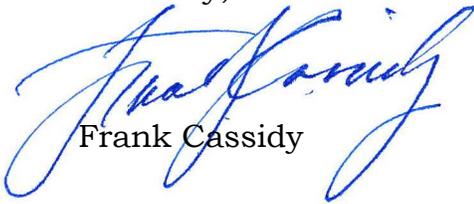
Members of the Gilbert Town Council have personally witnessed most of the events recounted in this Report, and are in the best position to judge whether Mayor Peterson violated the Gilbert Code of Ethics as alleged in the five ethics complaints. Paragraph 8.1 of the Code of Ethics gives the council authority to determine whether an ethics violation occurred and, if so, what penalty to impose.⁹¹

For the reasons explained in detail above, this investigator concludes that Mayor Peterson exercised poor judgment in a few instances but did not violate the Gilbert Code of Ethics. The Mayor has already been publicly castigated for her errors in judgment, and will face additional public criticism—Paragraph 8.1 of the Code of Ethics requires the council to "review the report and the recommendation at a regular or special Council meeting."

This investigator recommends that the council take no formal action against Mayor Peterson in response to the ethics complaints.

Please let me know if you need anything else. Thank you.

Sincerely,



Frank Cassidy

LIST OF EXHIBITS

- Exhibit A Town of Gilbert Code of Ethics, adopted by the Gilbert Town Council on August 2, 2012, as Policy Statement No. 2012-03
- Exhibit B Site plan prepared by the Developer of Morrison Ranch showing proposed Morrison Ranch zoning amendment at the northeast corner of Higley and Warner Roads
- Exhibit C Relevant portion of the Morrison Ranch PAD zoning map
- Exhibit D Neighborhood Meeting Request Form submitted February 28, 2021, for the March 15 neighborhood meeting
- Exhibit E Notice of Neighborhood Meeting dated March 1, 2021
- Exhibit F Map of 300-foot notification area
- Exhibit G List of full Council's March 13-15 constituent emails regarding the proposed Morrison Ranch apartment project
- Exhibit H List of Mayor Peterson's March 13-15 constituent emails regarding the proposed Morrison Ranch apartment project
- Exhibit I March 14 Mayor Peterson and Howard Morrison email exchange
- Exhibit J March 13-14 Mayor Peterson and Beta email exchange
- Exhibit K March 14 Mayor Peterson and Constituent 20 email exchange
- Exhibit L Redacted copy of Alpha's ethics complaint without exhibits
- Exhibit M Redacted copy of Beta's ethics complaint without exhibits
- Exhibit N Town of Gilbert Criteria for Neighborhood Meeting Sign
- Exhibit O June 7-10 Mayor Peterson and Beta email exchange
- Exhibit P Redacted copy of Alpha's July 9 supplement without exhibits
- Exhibit Q Redacted copy of Gamma's June 23 ethics complaint
- Exhibit R Redacted copy of Mayor Peterson's June 29 rebuttal to Gamma's complaint
- Exhibit S Redacted copy of Delta's August 12 ethics complaint

Exhibit T Redacted copy of Delta's August 23 supplement

Exhibit U Redacted copy of Delta's September 1 ethics complaint

¹ This ethics investigation was made pursuant the Town of Gilbert Code of Ethics, adopted by the Gilbert Town Council on August 2, 2012, as Policy Statement No. 2012-03. A full copy of the Code of Ethics is attached as Exhibit A. Section 7.4 of the Town of Gilbert Code of Ethics provides:

Reporting Process. Reports of alleged violations of this Code of Ethics shall be made to the Town Clerk, whether such report is by a member of the public, an employee or a Public Official. Upon receipt of an alleged violation, the Town Clerk shall forward a copy to the members of the Public Body and to the Town Attorney. The Town Attorney shall either prepare a recommendation to the Public Body or request an independent investigation. Recommendations of the Town Attorney or the independent investigator shall be filed with the Town Clerk. The Town Clerk may place the matter on a Council agenda for action by the Council.

² August 19 interview of Howard Morrison.

³ September 10 interview of Mayor Peterson.

⁴ August 19 interview of Howard Morrison.

⁵ August 18 interview of the Principal Planner; August 19 interview of Howard Morrison.

⁶ This report uses gross acreage, including future public rights-of-way. The Gilbert Land Development Code glossary defines density as the number of dwelling units per gross acre, and defines gross acre as the land area within the perimeter of a parcel or project, including one-half the right-of-way of all adjoining streets and other land dedications.

⁷ The site plan prepared and submitted by the Developer is attached as Exhibit B.

⁸ January 6 email exchange between Scott Morrison and the Principal Planner.

⁹ August 18 interview of the Principal Planner; August 19 interview of Howard Morrison; March 15 neighborhood Zoom meeting recording at 7:00 (displaying the proposed site plan attached as Exhibit B, which shows existing zoning on the left) and 8:00 (displaying the Morrison Ranch PAD zoning map, the relevant portion of which is attached as Exhibit C. During the March 15 neighborhood meeting, Scott Morrison explained that this was to be capped at 16 dwelling units per acre, consistent with the Morrison Ranch PAD. March 15 neighborhood meeting Zoom recording at 4:00.

¹⁰ Gilbert Land Development Code Division 5 (Administration) Article 5.2 (Common Procedures) Section 5.204 (Neighborhood Meeting).

¹¹ A copy of the Neighborhood Meeting Request Form is attached as Exhibit D.

¹² A copy of the March 1 Notice of Neighborhood Meeting is attached as Exhibit E. A copy of the 300-foot notification area map is attached as Exhibit F.

¹³ The site plan is attached as Exhibit B.

¹⁴ The March 1 Notice of Neighborhood Meeting stated that the proposed rezoning would have "a Planned Area Development (PAD) overlay to conform to the existing standards of the Morrison Ranch PAD." The 16 dwelling units per acre maximum is one of those standards, but it is unlikely that even the most development-savvy neighbor would have known this.

¹⁵ Consisting of 16 acres at 14 dwelling units per acre (16 acres x 14 DUA = 224).

¹⁶ MF/M zoning allows a density of up to 25 dwelling units per acre, which would allow 555 apartments (22.2 acres x 25 DUA = 555).

¹⁷ The Developer contends that its existing apartment entitlement is defined by the Morrison Ranch PAD, which sets the density at 16 dwelling units per acre, allowing 256 units (16 acres x 16 DUA = 256).

¹⁸ Consisting of 22.2 acres at 16 dwelling units per acre (22.2 x 16 = 355.2).

¹⁹ Printout of contents of Morrison Ranch Facebook page provided by Howard Morrison via email dated August 27 at 10:49 a.m.

²⁰ The emails are listed in Exhibit G. Constituent 4, Constituent 5, Constituent 25, and Constituent 31 are couples who emailed together, so together they are counted as eight constituents.

²¹ Although included in Exhibit G, these emails are separately listed in Exhibit H for convenience.

²² The text of Howard Morrison's email exchange with Mayor Peterson is attached as Exhibit I.

²³ The comments indicating that the proposal had already been filed include:

- "I am told the amendment has already been filed." March 13 at 9:37 p.m. email from Beta to the full Council.
- "It has recently come to my attention that a proposal has been submitted for a zoning amendment for the lot located on the NW corner of Higley and Warner." March 13 at 11:22 p.m. email from Constituent 3 to the full Council.
- "We are writing to voice our concerns on your proposal for a zoning amendment for the lot located on the NE corner of Higley and Warner." March 14 at 6:38 a.m. email from Constituent 5 to the full Council.
- "It has recently come to my attention that a proposal has been submitted for a zoning amendment to the lot located on the NE corner of Higley and Warner." March 14 at 8:28 a.m. email from Constituent 8 to Mayor Peterson.
- "I was alerted by my neighbors via a social media page we all subscribe to, that there has been a zoning change made to undeveloped land near Warner and Higley." March 14 at 9:18 am. email from Constituent 11 to the full Council.

²⁴ Mayor Peterson remembers the Morrisons mentioning in late December 2020 that they would be bringing forward a proposal to reduce the commercial zoning, expand the multi-family zoning, and seek a map correction to show multi-family density at 16 dwelling units per acre at the northeast corner of Higley and Warner. September 10 interview of Mayor Peterson. Howard Morrison doesn't recall discussing the proposed apartment project with Mayor Peterson prior to March 14. August 19 interview of Howard Morrison.

²⁵ September 10 interview of Mayor Peterson.

²⁶ The only deviation was in Mayor Peterson's initial email to a constituent whose spouse had already received an email response from the Mayor. There, the Mayor's initial email referred to the Mayor's prior email to the spouse.

²⁷ The text of Beta's March 13-14 email exchange with Mayor Peterson is attached as Exhibit J. The text of Constituent 20's email exchange with the Mayor is attached as Exhibit K.

²⁸ Statements by Mayor Peterson to Howard Morrison that could be interpreted as friendly or deferential include:

- “Residents feel not enough notice was given for the 3/15 meeting. I did see the letter dated March 1st, they feel it was only sent to 5 or 10 neighbors and that the Morrison’s control the HOA so they weren’t notified by the HOA either. The “Morrison’s” have manipulated the system/process to push this request through.” 2:12 p.m.
- “I’ve been told there is a petition with 400 signatures gathered in 2 hours and that the neighbors are hiring an attorney....” 2:12 p.m.
- “Beta has been the most aggressive as I’ve tried to explain the process.” 2:12 p.m.
- “I’ll let you know if I hear anything else.” 2:12 p.m.
- “I’ve heard the same thing from residents dozens and dozens of times over the years. On so many different projects. It’s very obvious people know about the meeting in time to participate.” 2:39 p.m.
- “I’m sure you followed requirements just wanted you to have it all ready for response.” 2:39 p.m.
- “Good luck!” 2:39 p.m.

²⁹ Redacted copies of Alpha’s and Beta’s complaints are attached as Exhibit L and Exhibit M respectively.

³⁰ See Gilbert Land Development Code Division 5 (Administration) Article 5.2 (Common Procedures) Section 5.204 (Neighborhood Meeting).

³¹ Mayor Peterson made the statement to Howard Morrison at 2:12 p.m. on March 14. Mayor Peterson’s email exchange with Beta ended at 1:36 p.m. that day.

³² The statements include:

“Sounds highly suspect and arguably illegal!!!”

“I understand that you received a glowing endorsement from the Morrison’s — and with that, comes the sense of obligatory reciprocation.”

“The community will likely be hiring an attorney, because clearly the developers / Morrison’s found ways to manipulate the system/process.”

“Advocate for fairness in the process. This isn’t fair. It’s corrupt.”

“It’s shady. Like I said, we are retaining an attorney.”

³³ September 10 interview of Mayor Peterson.

³⁴ Video provided by Alpha via email dated August 9 at 7:39 p.m. By follow-up email on September 20 at 8:08 a.m., Alpha provided evidence that the video was taken at 8:42 a.m. on March 14.

³⁵ August 19 interview of Howard Morrison.

³⁶ Gilbert Land Development Code Division 5 (Administration) Article 5.2 (Common Procedures) Section 5.204 (Neighborhood Meeting) paragraph F (Additional meetings) authorizes the Director of Planning to require one or more additional neighborhood meetings where appropriate.

³⁷ These requirements are found at Gilbert Land Development Code Section 5.204 (Neighborhood Meeting) paragraph C (Neighborhood Meeting Notification), subparagraphs 1 and 2. The staff-approved notice map may be found at Exhibit F.

³⁸ Gilbert Land Development Code Section 5.204 paragraph C, subparagraph 7.

³⁹ The Town of Gilbert graphic entitled “Criteria for Neighborhood Meeting Sign” is attached as Exhibit N.

⁴⁰ The sign and letter contents were edited and approved by Planning Staff email to Howard Morrison dated March 1 at 9:28 a.m. According to Howard Morrison, the Principal Planner directed that the signs should be placed along Higley and Warner. August 19 interview of Howard Morrison. The Principal Planner doesn’t specifically recall telling Howard Morrison where to place the signs, but sometimes indicates with an “X” on a map where the signs should be placed. No map markup was found in this case, but the Principal Planner did not find this unusual for a large rectangular property bounded by two major streets where the sign placement would be acceptable anywhere along those frontages. August 18 interview of the Principal Planner.

⁴¹ In the video provided by Alpha, the sign’s language is exactly as directed in the March 1 staff email, the sign appears to be at least six feet above the ground, and has the prescribed coloring, lettering, and sizes. Howard Morrison explained that he used a sign company that is familiar with the Town’s requirements. August 19 interview of Howard Morrison.

⁴² August 18 interview of the Principal Planner.

⁴³ The location of the public right-of-way can be seen in the Maricopa County Assessor’s Parcel Viewer map, available online at <https://maps.mcassessor.maricopa.gov/>, with the aerial basemap (upper right corner of screen) turned on.

⁴⁴ August 19 interview of Howard Morrison.

⁴⁵ See A.R.S. § 38-502, definitions of “substantial interest” and “remote interest.”

⁴⁶ No Arizona cases address campaign contributions as possible conflicts of interest. But cases from other jurisdictions clearly indicate that they are not. See, for example, *Woodland Hills Residents Assn., Inc. v. City Council*, 26 Cal.3d 938, 945–946, 164 Cal.Rptr. 255, 609 P.2d 1029 (1980) (the term “financial interest” in the conflict-of-interest law excludes campaign contributions); *All Towing Servs. LLC v. City of Orange*, 220 Cal. App. 4th 946, 955, 163 Cal. Rptr. 3d 626, 632 (2013) (quoting *Woodland Hills*).

⁴⁷ In Arizona, all public records are presumed to be public. See, A.R.S. § 39-121 *et seq.* Few types of records are expressly treated as “confidential” by statute. See, for example, A.R.S. § 38-431.03 (executive session discussions), A.R.S. § 39-123 (identification of peace officers), A.R.S. § 39-125 (identification of archeological locations), and A.R.S. § 39-126 (critical energy, water or telecommunications infrastructure). A government can seek to withhold disclosure of other public records using a “best public interests” argument, but doing so often results in litigation. See the cases citing A.R.S. § 39-121.02 (“Action on denial of access; costs and attorney fees; damages”).

⁴⁸ Town of Gilbert Code of Ethics, Policy Statement No. 2012-03, page 1 first paragraph.

⁴⁹ September 20 at 2:43 p.m. phone conversation with Chris Payne; September 20 at 2:56 p.m. email from Town Clerk.

⁵⁰ Mayor Peterson’s full June 7-10 email exchange with Beta can be found at Exhibit O.

⁵¹ September 10 interview of Mayor Peterson.

⁵² A redacted copy of Alpha’s July 9 supplement is attached as Exhibit P.

⁵³ A redacted copy of Gamma’s June 23 ethics complaint is attached as Exhibit Q.

⁵⁴ For Jeep Day 2020, a post appeared on the site saying: “Roses are red, violets are blue, Jeeps should be topless, and so should you.”

⁵⁵ The material includes mention of a desire to establish a logo for the TOG Wheelers group. In response to a question about possibly asking Office of Digital Government staff to assist with a TOG Wheelers logo, Mayor Peterson posted: “I don’t think this group [the Wheelers group] would be comfortable with the town team creating something for us 🤔👤”

⁵⁶ September 23 at 2:25 p.m. email from Gamma, attaching a Facebook Messenger exchange between Gamma and an unidentified third party who says in response to a question about getting the posts: “She was hesitant to send to me – Afraid of the repercussions for her and or [name blotted out].”

⁵⁷ August 6 interview of Gamma.

⁵⁸ A redacted version of Mayor Peterson’s June 29 rebuttal is attached as Exhibit R.

⁵⁹ Mayor Peterson’s statements reported in this section are from her September 10 interview and her June 29 rebuttal.

⁶⁰ Mayor Peterson declined to identify the witness to Gamma’s admission to spying on the group, except to say that it was an employee who reached out to her husband and didn’t want to be named. As an example of evidence of spying, Mayor Peterson points to the Jeep post mentioned in endnote 54, which was posted on the site on May 6, 2020 and Gamma took a screenshot of it within 13 hours and then held onto for 13 months before filing an ethics complaint.

⁶¹ August 9 interview of Nathan Williams.

⁶² Email from Gamma dated September 23 at 2:25 p.m.; September 10 interview of Mayor Peterson.

⁶³ September 10 interview of Mayor Peterson.

⁶⁴ Delta’s redacted complaint is attached as Exhibit S.

⁶⁵ A redacted copy of Delta’s supplement is attached as Exhibit T.

⁶⁶ Delta also cites Mayor Peterson’s statement during the August 3 meeting about Item 30 being motivated in part by a communication from another councilmember. This subject is more fully expanded on in the August 23 supplement to Delta’s ethics complaint and is addressed separately in the next section of this Report.

⁶⁷ The redline/strikeout version of the changes can be seen in the draft ordinance attached as an exhibit to Delta’s ethics complaint. The proposed amendments pertinent to Delta’s ethics complaint would have:

- Changed the location of public postings of council meeting notices
 - From: “posting of such notice in at least three public places”
 - To: “posting of such notice on the town website and in at least one public place”
- Changed the duration of individual public remarks during the “communications from citizens” portion of council meetings
 - From: “three minutes unless additional time is granted by the council”
 - To: “a duration determined by the mayor”
- Changed the total time for communications from citizens portion of council meetings

- From: “shall be limited to 15 minutes unless extended by the council”
- To: “shall be limited to 15 minutes unless extended by the mayor”
- Changed the procedure for public hearings
 - From: “The mayor shall formally open the public hearing and request the responsible staff member to describe to the council the matter before it. Afterwards, the mayor shall ask for a presentation by the applicant. Following that, the mayor shall then ask if there is anyone present from the public who wishes to speak in favor of the matter being heard. The mayor shall then ask if there is anyone present from the public who wishes to speak in opposition to the matter being heard. The mayor may then ask if there is any rebuttal.
 - To: “The mayor shall formally open the public hearing and may request the responsible staff member to describe to the council the matter before it. Afterwards, the mayor may ask for a presentation by the applicant, if applicable, which presentation shall be limited to a duration determined by the mayor. The mayor shall then ask if there is anyone present from the public who wishes to speak about the matter being heard. Such comments shall be limited to a duration determined by the mayor. Where one group wishes to comment, one person from the group shall be designated to present such comments, which shall be limited to a duration determined by the mayor. The mayor may then ask if there is any rebuttal from the applicant or staff, if applicable.
- Changed the general rule for addressing the council from
 - From: “time for which to be prescribed by the council”
 - To: “time for which to be prescribed by the mayor”

⁶⁸ Speaker limits have been imposed five times in 2021. Vice Mayor Koprowski imposed individual speaker limits of two minutes per speaker during her introduction of the communications from citizens portion of the February 2, February 16, March 2, and May 4 council meetings. At the beginning of the June 15 meeting, Mayor Peterson announced an individual speaker limit of one minute per speaker for communications from citizens.

⁶⁹ However, the mayor retains the right to cut off comments during communications from citizens, and Mayor Peterson did so on one occasion earlier this year. During the May 4 council meeting, Mayor Peterson cut off a speaker during communication from citizens after he had spoken for more than 3½ minutes in opposition to the San Tan Adventure Parkway project. The microphone was cut off while the citizen was playing a recording to demonstrate the volume of go-cart noise. Recording of May 4 council meeting at 1:03:55-1:07:30.

⁷⁰ See endnote 68.

⁷¹ See endnote 69.

⁷² For example, on June 15, with a one-minute-per-speaker limitation, 11 speakers were allowed a total of more than 24 minutes to speak.

⁷³ August 3 Gilbert Town Council meeting video starting at 37:55.

⁷⁴ Vice Mayor Koprowski’s apology during the August 3 meeting for having imposed duration limits is evidence of this. August 3 Gilbert Town Council meeting video starting at 1:00:45.

⁷⁵ Eleven citizens spoke during the communications from citizens portion of the June 15 meeting, nine of whom spoke about the proposed Morrison Ranch apartment project or Mayor Peterson’s communications relating to it. June 15 Gilbert Town Council meeting video from 23:10 to 47:30.

⁷⁶ August 3 Gilbert Town Council meeting video at 50:45.

⁷⁷ Councilmember Hendricks refers to the “optics” of bringing forward a change of this type during the current political climate. August 3 Gilbert Town Council meeting video at 1:17:50.

⁷⁸ August 3 Gilbert Town Council meeting video from 55:10 to 1:25:50.

⁷⁹ Mayor Peterson’s comments are in the August 3 Gilbert Town Council meeting video starting at 39:40.

⁸⁰ Councilmember Hendrix’s explanation of his discussion with Town Attorney Chris Payne about the origins of Item 30 are in the August 3 Gilbert Town Council meeting video starting at 1:12:30.

⁸¹ Comment of Councilmember Hendrix, August 3 Gilbert Town Council meeting video starting at 1:12:00.

⁸² Items 28 and 29 show approval dates of July 20, 22, and 24. Item 30 shows approval dates of July 24 and 26. See August 3 agenda materials at pages 690, 706, and 739.

⁸³ Items 28 was a revision to Gilbert’s Water Conservation Code. Item 29 is part of Gilbert’s Drought Preparedness Plan. Judging from the agenda materials, these items have been in the Town’s workflow for many months if not years.

⁸⁴ The August 23 supplement also includes a claim of unequal treatment by Mayor Peterson in responding to a request for a copy of the council communication she mentioned during the August 3 meeting. By email on August 12 at 3:57 p.m., the Mayor’s aide forwarded Alpha a copy of Councilmember Hendrix’s May 19 email. At the bottom of page 3 of Delta’s August 12 ethics complaint, Delta states that Delta has asked the Mayor for a copy of the councilmember’s communication mentioned during the August 3 meeting. Delta received a copy of Councilmember Hendrix’s May 19 email no later than August 23, when it was included in Delta’s ethics complaint supplement. When asked directly about the delay in responding to Delta’s request for the information, Mayor Peterson explained that her aide provided it to Alpha in response to Alpha’s assertion that she was lying about having heard from another councilmember, but she doesn’t recall Delta having made a request for it. September 10 interview of Mayor Peterson. In any event, Delta had it within a relatively short interval, and the circumstances of the requests do not appear to support the contention that Mayor Peterson intentionally treated Alpha and Delta unequally.

⁸⁵ August 3 Gilbert Town Council meeting video starting at 39:40.

⁸⁶ September 2 at 3:41 p.m. email from the Town Clerk.

⁸⁷ Discussion of Item 14 begins at 31:20 of the August 3 Gilbert Town Council meeting video.

⁸⁸ Delta’s voice from the audience can be heard at 35:10 of the August 3 video, and Town Attorney Chris Payne’s explanation ends at 36:00 of the video, ending discussion of the subject.

⁸⁹ Town staff members have sometimes made presentations and responded to councilmember questions when a consent agenda item has been pulled for separate discussion, but no one else has been permitted to speak on a consent agenda item in 2021. See February 16 Gilbert Town Council meeting video at 56:40 (staff member answers councilmember questions about federal assistance funding addressed by consent agenda items 15A and 20); March 30 Gilbert Town Council meeting video at 32:15 (Town Manager answers councilmember’s question about ambulance contract addressed by consent agenda item 14) and 34:00 through 47:30 (interactive councilmember and staff discussion of gender-affirming surgery addressed by consent agenda item 19); April 20 Gilbert Town Council meeting video at 38:10 (Town Manager answers councilmember questions about consent agenda item 8); May 4 Gilbert Town Council meeting video at 1:11:10 (Assistant Fire Chief discusses consent agenda item 8A); and May 18 Gilbert

Town Council meeting video at 50:00 (town staff presentation on public works projects addressed by consent agenda items 9 and 10).

⁹⁰ A redacted copy of Delta's September 1 ethics complaint is attached as Exhibit U. Susan Goodwin was the contract Town Attorney for Gilbert before Chris Payne was hired as in-house Town Attorney.

⁹¹ A vote to censure requires five votes. Code of Ethics paragraph 8.2.

Exhibit A to Ethics Report and Recommendation

POLICY STATEMENT NO. 2012-03

SUBJECT: Code of Ethics

DATE: August 2, 2012

POLICY STATEMENT

SUBJECT: Code of Ethics for Members of the Town Council and Boards, Commissions and Committees

PURPOSE AND ETHICS STATEMENT

The Town of Gilbert is a clean, safe and vibrant community that values trust, honesty, personal responsibility, professionalism, service and accountability. Members of the Town Council and its boards, commissions and committees ("Public Officials") have an obligation to the residents of Gilbert, its customers and its partners to uphold the highest standard of ethics.

The purpose of this Code of Ethics is to establish standards of conduct for Gilbert's Public Officials in order to maintain public confidence in the integrity of Gilbert's Public Officials and to instill public trust through the actions, words and deeds of Gilbert's Public Officials. The requirements of this Code of Ethics are in addition to and are intended to complement the requirements of State law governing conduct of Public Officials.

POLICY

1. ***Responsibilities of Public Service.*** Recognizing the special responsibilities of serving Gilbert and its citizens and customers, Public Officials shall maintain the highest standards of integrity and honesty and shall treat all members of the public and fellow colleagues with respect, courtesy, concern and responsiveness.
 - 1.1 Fairness and Respect. All issues and citizens shall be handled with fairness, impartiality and respect. Public Officials have an obligation to treat all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting, by having an open mind on issues presented, and by being willing to listen to different points of view.
 - 1.2 Meeting Attendance. It is the responsibility of Councilmembers to attend Council meetings and the responsibility of other Public Officials to attend meetings of their respective board, commission or committee to which they have been appointed in order to fairly conduct the business of Gilbert. It is also the responsibility of Public Officials who have been appointed as voting members representing Gilbert on other boards, commissions or committees to attend meetings of those boards, commissions or

Exhibit A to Ethics Report and Recommendation

committees. Absence from meetings should be avoided if at all reasonably possible.

- 1.3 Abstaining from Voting. A Public Official should not abstain from voting on a matter before his or her Public Body unless he or she has a conflict of interest or believes he or she may have a conflict of interest or a personal interest as set forth in Paragraph 3.4.
2. ***Open Meeting Law.*** The intent of the open meeting law is to assure that government is transparent and that the public's business is conducted in public.
 - 2.1 Compliance with Open Meeting Law. Public Officials shall comply with the open meeting law of the State of Arizona and shall not attempt to circumvent the requirements of the open meeting law.
 - 2.2 Polling. Practices such as polling individual members to reach a decision outside a public meeting is prohibited.
 - 2.3 Serial Meetings. A discussion among less than a quorum may lead to a violation of the open meeting law if eventually a quorum is involved in the discussion. This is a violation of the open meeting law and is prohibited. For example, if three members of the Council discuss a matter that is before the Council or may come before the Council for discussion or action, and one of those members discusses the matter with another member of the Council, a serial meeting has been held without notice and agenda required by the open meeting law. Serial meetings may occur through telephone conversations, written correspondence, e-mail or other means of communications about a matter of Town business.
 - 2.4 Use of Staff or Others. Use of Gilbert's staff or others to promote discussion among other members of the Public Body to circumvent the purposes of the open meeting law is prohibited.
 - 2.5 Open Meeting Law Violations. Notwithstanding the reporting process set forth in paragraph 7.4, reports of violations of the open meeting law may be made directly to the Attorney General's office or the County Attorney's office.
3. ***Conflicts of Interest.*** The purpose of the conflict of interest laws is to prevent self-dealing by Public Officials and to remove or limit any improper influence which might bear on a Public Official's decision. A conflict of interest occurs when (i) a Public Official or a relative of the Public Official has a pecuniary interest in a matter that may come before the Public Body during the Public Official's term of office on which the Public Official sits and that interest is not a remote interest as defined in ARS Section 38-502(10), or (ii) or when the Public Official has an interest that results in the Public Official not being able to act

Exhibit A to Ethics Report and Recommendation

impartially on a matter before the Public Body. "Relative" means the spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse.

- 3.1 Compliance with Conflict of Interest Laws. Public Officials shall comply with the conflict of interest laws of Arizona. If a Public Official is not sure he or she has a conflict of interest on a matter before the Public Body of which the Public Official is a member, the Town Attorney should be contacted. Requests related to conflicts of interest are confidential; however, official opinions of the Town Attorney are required by law to be a public record.
 - 3.2 Disclosure of Conflict of Interest. If a Public Official has a conflict of interest, he or she shall disclose that fact as soon as possible by filing a statement with the Town Clerk setting forth the nature of the conflict of interest. The Public Official shall not participate in any manner as a Public Official in the matter.
 - 3.3 Loyalty. Public Officials have an obligation to put the interest of Gilbert over personal considerations and to make the public's interest their primary concern.
 - 3.4 Personal Interests. Occasionally a Public Official may find that he or she has a personal interest in a matter, even though a conflict of interest would not exist under the conflict of interest laws. Public Officials are encouraged to adhere to strongly held ethical values which are exercised in good faith and to refrain from discussing or voting on a matter if he or she believes the personal interest precludes making a fair and impartial decision.
 - 3.5 Gifts. Public Officials shall disclose in writing to the Town Clerk any (i) gift, benefit or favor received with a value in excess of \$50.00 or (ii) any gifts, benefits or favors with a combined value in excess of \$50.00 within a six month period, from a person with a financial interest in business with the Town or in a matter which may come before the Public Body. The written disclosure shall be made within two (2) business days of receipt of the gift, benefit or favor or multiple gifts, benefits or favors totalling \$50.00 in value within a six month period. If the gift is donated to Gilbert or a bona fide charity, it does not have to be disclosed; provided however, that the gift is donated immediately upon receipt.
4. ***Confidential Information.*** Gilbert is committed to maintaining an open and accessible government intended to engender trust and confidence from the public, while at the same time protecting confidential information as required or permitted by law.

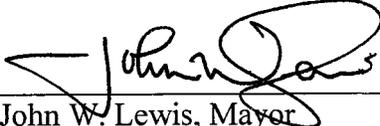
Exhibit A to Ethics Report and Recommendation

- 4.1 Disclosure of Confidential Information. Public Officials shall not disclose confidential, privileged or protected information, unless authorized by the majority vote of a quorum of the Council or is required by law to do so.
- 4.2 Public Officials shall not use confidential, privileged or protected information to advance the financial or other private interest of himself or herself or others.
5. ***Town Council Relations with other Public Bodies and Agencies.*** The Town Council may attend meetings of other Public Bodies of Gilbert or other governmental agencies. Individual Councilmembers shall accurately describe the positions of Gilbert to such Public Bodies and governmental agencies.
6. ***Code of Ethics Training.*** It is important that training be made available to Public Officials in order that the purposes of this Code of Ethics may be successfully implemented.
 - 6.1 Training. Public Officials shall attend at least one training session per term regarding the regarding this policy.
7. ***Procedures.*** It is important that procedures for reporting violations of this Code of Ethics be clearly understood and followed.
 - 7.1 Questions. Questions about this Code of Ethics, a conflict of interest, or other ethical problem should be presented to the Town Attorney's office. If time permits, requests should be in writing to the Town Attorney. If the ethical issue arises during a meeting, rather than risk an inadvertent violation of the law, the safest course of action is simply to declare that a conflict may exist that prevents the Public Official from participating.
 - 7.2 Obligation to Report Violations. Public Officials have a duty to report if another Public Official is violating laws or this Code of Ethics.
 - 7.3 Interference with Duty to Disclose Violations. Public Officials shall never attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any person with the intent of interfering with that person's duty to disclose improper activity.
 - 7.4 Reporting Process. Reports of alleged violations of this Code of Ethics shall be made to the Town Clerk, whether such report is by a member of the public, an employee or a Public Official. Upon receipt of an alleged violation, the Town Clerk shall forward a copy to the members of the Public Body and to the Town Attorney. The Town Attorney shall either prepare a recommendation to the Public Body or request an independent investigation. Recommendations of the Town Attorney or the independent

Exhibit A to Ethics Report and Recommendation

investigator shall be filed with the Town Clerk. The Town Clerk may place the matter on a Council agenda for action by the Council.

8. **Enforcement.** The Council intends that violations of this Code of Ethics be treated fairly and expeditiously.
 - 8.1 **Council Action.** The Council shall review the report and the recommendation at a regular or special Council meeting. The report and the recommendation shall be a public record. If the Council determines that a Code of Ethics violation has occurred, the Council may impose penalties in accordance with Paragraph 8.2.
 - 8.2 **Penalties.** It is the intent of the Council to educate, and where necessary, discipline Public Officials who violate this Code of Ethics. In addition to other penalties provided by law, the members of a Public Body may vote to censure another member who violates this Code of Ethics, provided that (i) the member who may be censured shall not vote on the matter but may explain his or her actions, and (ii) censure shall require a vote of five (5) members of the Public body. This paragraph does not prevent informal resolution of minor infractions, such as immediate corrective action of the alleged misconduct.



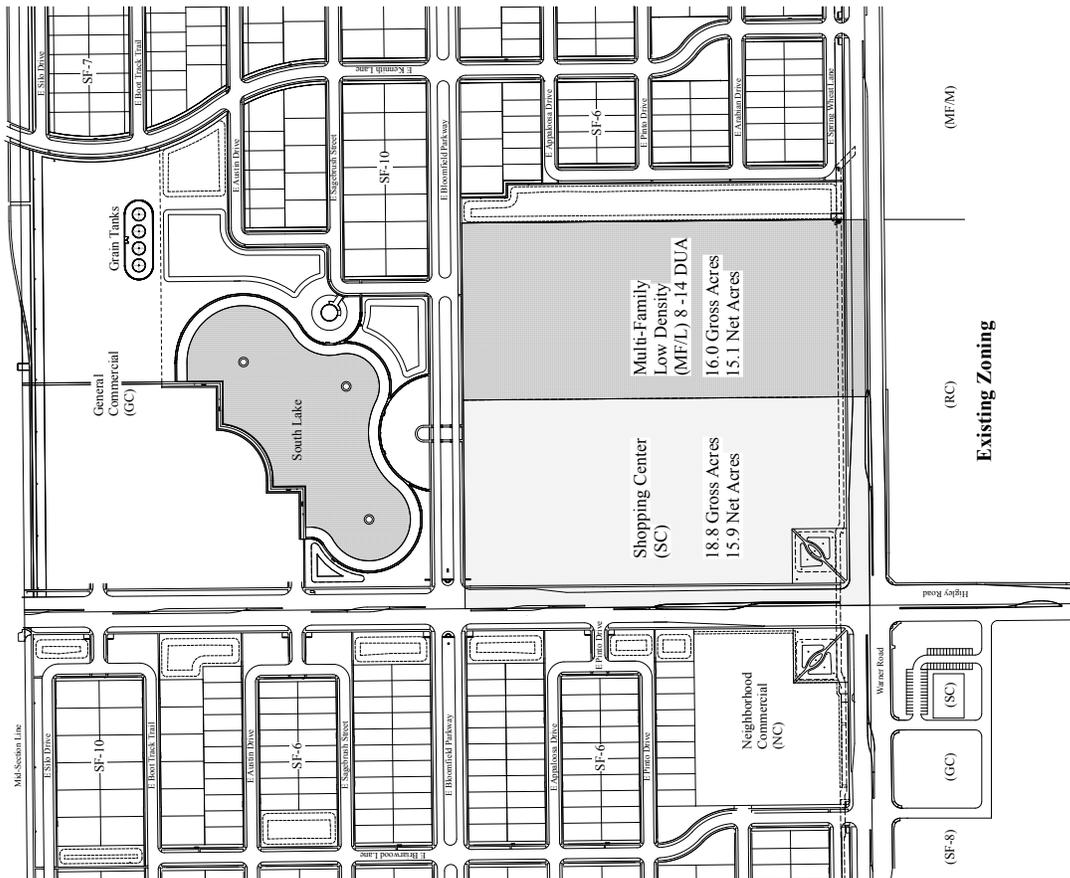
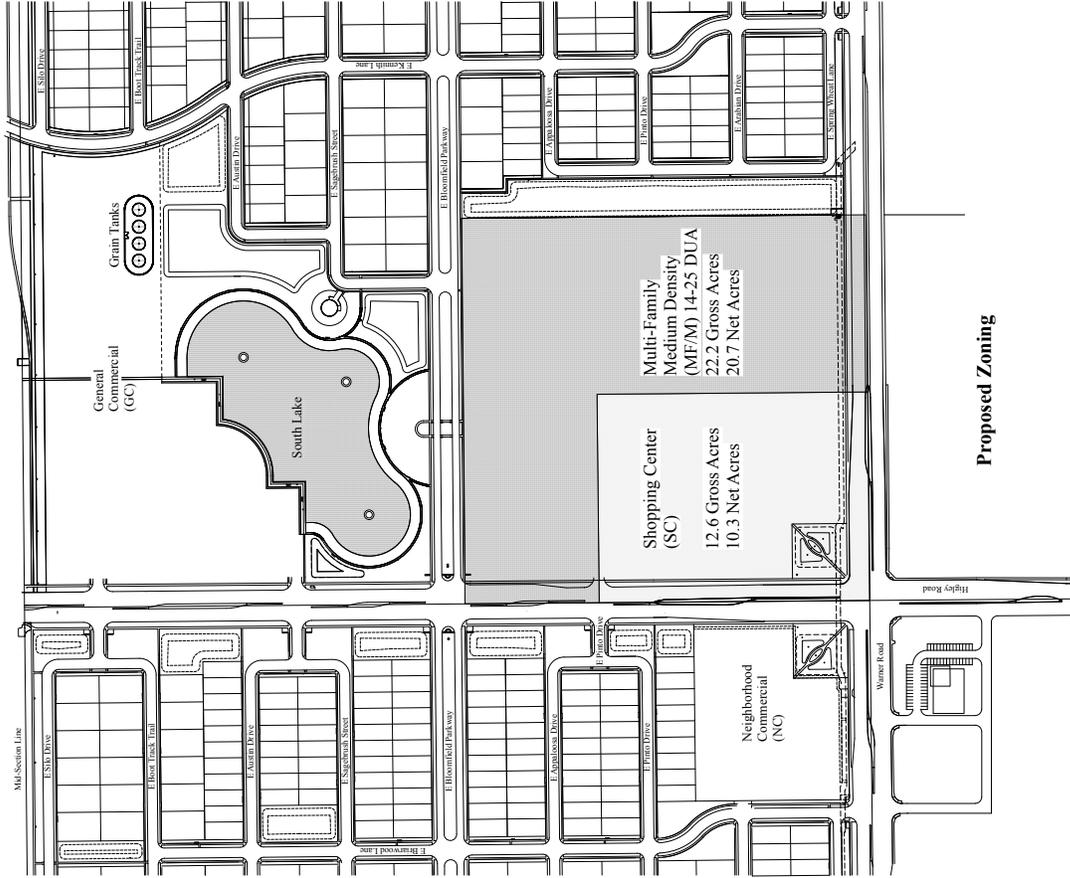
John W. Lewis, Mayor

ATTEST:



Catherine A. Templeton, Town Clerk

Exhibit B to Ethics Report and Recommendation



Morrison Ranch Higley/Warner General Plan & Zoning Area

Exhibit D to Ethics Report and Recommendation



Neighborhood Meeting Request Form

Description (Proposal Name) NEC Higley/Warner Minor General Plan and Zoning Change

Address or Location: NEC of Higley and Warner Roads

Tax Parcel Numbers: 304-19-009N, 304-19-009Q Gross Acres: 34.8

Request: General Plan Amendment Subsequent meeting
 Rezoning

Proposed Meeting Date*: March 15, 2021

Proposed Meeting Time*: 6:00 PM

Proposed Meeting Place:

(include address and room number where applicable)

Zoom:2358651982

Current General Plan Land Use Classification

General Commercial

Proposed General Plan Land Use Classification

Residential 14-25

Current Zoning District:

SC

Proposed Zoning District:

MF/M

General Plan Character Area: (if applicable)

Santan
 Gateway

Heritage District
 Morrison Ranch

Overlay Zoning District:

Santan Freeway Corridor Phx/Mesa Gateway Airport
 Vertical Development

Applicant/Contact: (All information must be provided)

Company: LTSE, Inc.

Contact: Scott C. Morrison E-mail: scmorrison@morrisonranch.com

Address: 3180 E. Elliot Rd

City, Zip: Gilbert, AZ 85234

Phone: 602-228-7973 Business Mobile Home Other

Signature: *Scott C. Morrison* Date: 2/28/21

*Note: The proposed meeting date and time are subject to staff review and approval. Meetings shall **not** be scheduled in conflict with scheduled Town public meeting dates. **It is the applicant's responsibility to arrange the meeting place, date and time, and confirm this information with the Planning Technician prior to notifying neighborhood meeting and posting sign.**

Checklist

Email to the Planning Technician (samantha.novotny@gilbertaz.gov)

the following:

- Neighborhood Meeting Request Form
- Project Site Map
- Notice of Neighborhood Meeting Letter
- A map & property owner information for neighborhood mailing obtained from the Maricopa County Assessor website

For questions, please call (480) 503-6602.

Exhibit E to Ethics Report and Recommendation

NOTICE OF NEIGHBORHOOD MEETING

March 1, 2021

Dear Neighbor,

You are cordially invited to a neighborhood meeting regarding a proposed minor General Plan Amendment/Rezoning in your area.

The property is approximately 34.5 acres and located near the northeast corner of Higley and Warner roads (see attached map). Our request will be for the Town of Gilbert to process a minor amendment to the General Plan of 15 acres from the current land use classification of Residential > 8-14 du/acre to Residential >14-25 du/acre and 5 acres of current land use of General Commercial (GC) to Residential >14-25 du/acre and to rezone the property from current zoning classification of Multi Family/Low (MF/L) (8-14 du/acre) to Multi Family/Medium (MF/M) (14-25 du/acre) and to rezone 5 acres of Shopping Center (SC) to Multi Family/Medium (14-25 du/acre) all with a Planned Area Development (PAD) overlay to conform to the existing standards of the Morrison Ranch PAD.

A neighborhood meeting will be held via a Zoom session to discuss the proposed changes and answer any questions you may have. If we elect to proceed with our application there will be future public hearings before the Town of Gilbert Planning Commission and Town Council, you will be notified of those hearings.

The neighborhood meeting will be held virtually.

Monday, March 15, 2021

6:00 p.m.

Please join the meeting from your computer, tablet, or smartphone by entering the text below into your internet web browser.

<https://us02web.zoom.us/j/2358651982>

You can also dial in using your phone by calling 346-248-7799, and entering this code: 2358651982#.

Sincerely,

Howard Morrison
Morrison Ranch

Attachment: Project site map



Exhibit F to Ethics Report and Recommendation

SECTION

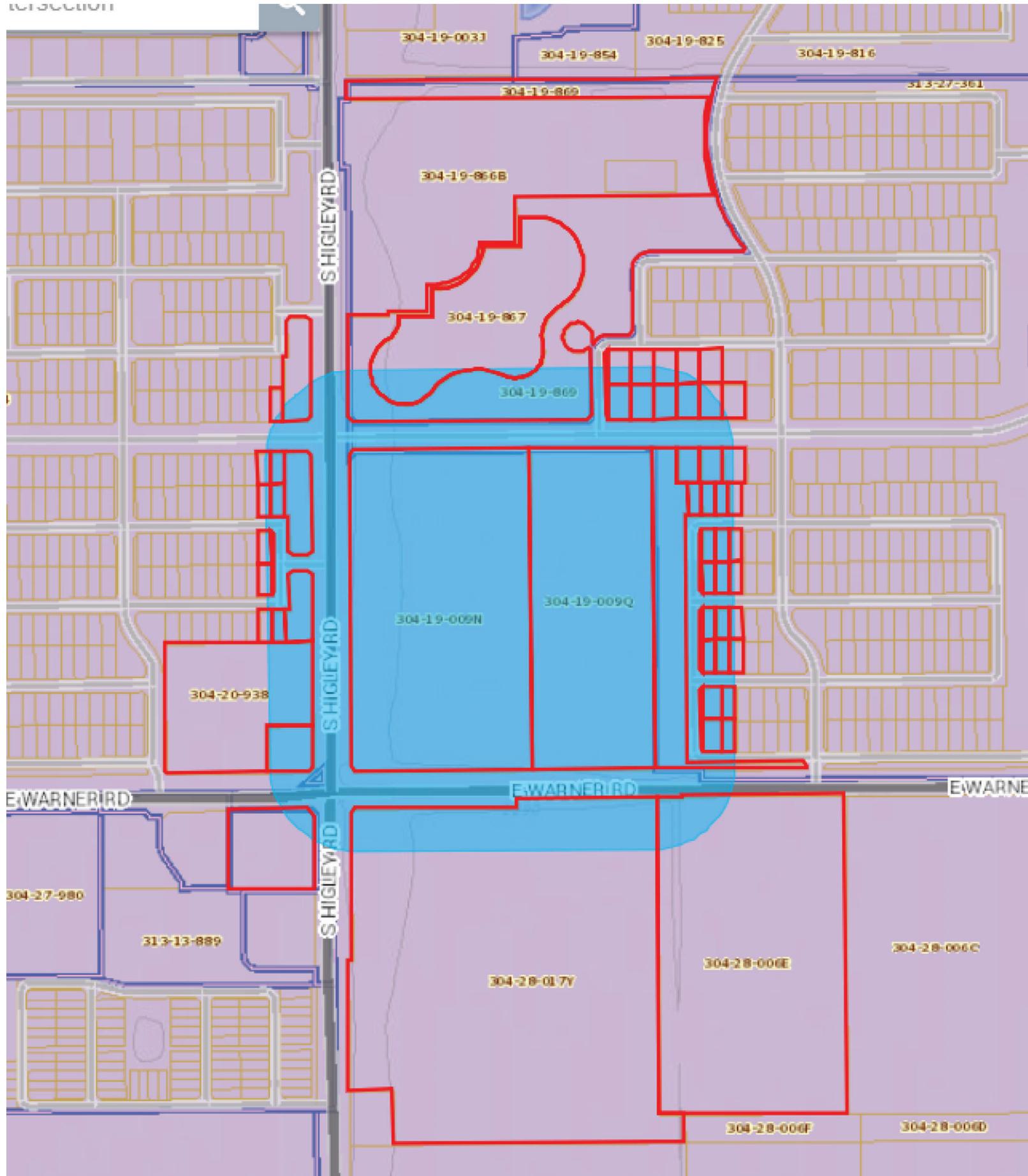


Exhibit G to Ethics Report and Recommendation

Gilbert Town Council constituent emails re proposed Morrison Ranch apartment project, March 13-15, 2021 (pseudonyms)

#	YYYYMMDD HHMM From To Subject
1.	20210313 2123 Beta to full Council
2.	20210313 2137 Beta to full Council
3.	20210313 2232 Constituent 1 to CM Yentes
4.	20210313 2247 Constituent 2 to Mayor
5.	20210313 2322 Constituent 3 to full Council
6.	20210314 0214 Constituent 4 to full Council
7.	20210314 0638 Constituent 5 to full Council
8.	20210314 0732 Constituent 6 to full Council
9.	20210314 0809 Constituent 7 to Mayor
10.	20210314 0820 Constituent 7 to CM Yentes
11.	20210314 0828 Constituent 8 to Mayor
12.	20210314 0829 Constituent 9 to full Council
13.	20210314 0830 Constituent 10 to Mayor
14.	20210314 0854 CM Anderson to Constituent 7
15.	20210314 0856 CM Anderson to Constituent 6
16.	20210314 0918 Constituent 11 to full Council
17.	20210314 0943 Constituent 12 to Mayor
18.	20210314 0945 Constituent 6 to CM Anderson
19.	20210314 0949 Constituent 13 to Mayor and VM Koprowski
20.	20210314 0956 Constituent 14 to full Council
21.	20210314 1000 Constituent 15 to CM Yentes
22.	20210314 1003 Constituent 16 to Mayor
23.	20210314 1007 Constituent 16 to VM Koprowski
24.	20210314 1008 Constituent 16 to CM Anderson
25.	20210314 1008 Constituent 17 to full Council
26.	20210314 1009 Constituent 16 to CM Hendrix
27.	20210314 1009 Constituent 16 to CM September
28.	20210314 1010 Constituent 16 to CM Tilque
29.	20210314 1011 Constituent 16 to CM Yentes
30.	20210314 1014 Constituent 18 to full Council
31.	20210314 1032 Constituent 19 to full Council
32.	20210314 1045 Constituent 20 to full Council
33.	20210314 1048 Constituent 21 to full Council
34.	20210314 1114 Constituent 20 to CM Yentes
35.	20210314 1148 Constituent 22 to full Council
36.	20210314 1152 Beta to Mayor
37.	20210314 1157 Mayor to Beta
38.	20210314 1158 Mayor to Constituent 2
39.	20210314 1158 Mayor to Constituent 3
40.	20210314 1158 Mayor to Constituent 4
41.	20210314 1159 Mayor to Constituent 5
42.	20210314 1159 Mayor to Constituent 7
43.	20210314 1159 Mayor to Constituent 8
44.	20210314 1200 Mayor to Constituent 9
45.	20210314 1200 Mayor to Constituent 10
46.	20210314 1200 Mayor to Constituent 11
47.	20210314 1200 Mayor to Constituent 12
48.	20210314 1200 Mayor to Constituent 13
49.	20210314 1201 Mayor to Constituent 17
50.	20210314 1201 Mayor to Constituent 18
51.	20210314 1202 Mayor to Constituent 19
52.	20210314 1202 Beta to Mayor

Exhibit G to Ethics Report and Recommendation

Gilbert Town Council constituent emails re proposed Morrison Ranch apartment project, March 13-15, 2021 (pseudonyms)

#	YYYYMMDD HHMM From To Subject
53.	20210314 1203 Mayor to Constituent 20
54.	20210314 1204 Mayor to Constituent 14
55.	20210314 1204 Mayor to Constituent 21
56.	20210314 1205 Mayor to Constituent 22
57.	20210314 1206 Constituent 14 to Mayor
58.	20210314 1206 Mayor to Beta
59.	20210314 1209 Constituent 20 to Mayor
60.	20210314 1212 Constituent 23 to full Council
61.	20210314 1219 Mayor to Constituent 20
62.	20210314 1224 Beta to Mayor
63.	20210314 1230 Mayor to Beta
64.	20210314 1231 Constituent 24 to full Council
65.	20210314 1232 Mayor to Constituent 23
66.	20210314 1232 Mayor to Constituent 24
67.	20210314 1235 Constituent 20 to Mayor
68.	20210314 1239 Beta to Mayor
69.	20210314 1241 Constituent 18 to Mayor
70.	20210314 1241 Mayor to Constituent 20
71.	20210314 1242 Constituent 24 to Mayor
72.	20210314 1244 Beta to Mayor
73.	20210314 1251 Mayor to Beta
74.	20210314 1255 Beta to Mayor
75.	20210314 1259 Mayor to Beta
76.	20210314 1312 Beta to Mayor
77.	20210314 1325 Mayor to Beta
78.	20210314 1336 Beta to Mayor
79.	20210314 1348 Constituent 10 to Mayor
80.	20210314 1414 Constituent 4 to full Council except CM September
81.	20210314 1430 Constituent 5 to Mayor
82.	20210314 1739 Constituent 25 to full Council Morrisons others
83.	20210314 2106 Constituent 26 to Mayor
84.	20210314 2113 Constituent 26 to VM Koprowski
85.	20210314 2115 Constituent 26 to CM Anderson
86.	20210314 2116 Constituent 26 to CM Hendrix
87.	20210314 2135 Constituent 27 to Mayor and CM Anderson
88.	20210314 2139 Mayor to Constituent 25
89.	20210314 2140 Mayor to Constituent 26
90.	20210314 2140 Mayor to Constituent 27
91.	20210315 0830 CM Anderson to Constituent 16
92.	20210315 0832 CM Anderson to Constituent 27
93.	20210315 0835 CM Anderson to Constituent 26
94.	20210315 0838 CM Anderson to Constituent 25
95.	20210315 0841 Constituent 11 to Mayor
96.	20210315 0843 Constituent 27 to CM Anderson
97.	20210315 0847 CM Anderson to Constituent 23
98.	20210315 0851 CM Anderson to Constituent 22
99.	20210315 0856 CM Anderson to Constituent 20
100.	20210315 0857 Constituent 20 to CM Anderson
101.	20210315 0901 Constituent 28 to full Council
102.	20210315 0902 CM Anderson to Constituent 17
103.	20210315 0904 CM Anderson to Constituent 14
104.	20210315 0906 CM Anderson to Constituent 28

Exhibit G to Ethics Report and Recommendation

Gilbert Town Council constituent emails re proposed Morrison Ranch apartment project, March 13-15, 2021 (pseudonyms)

#	YYYYMMDD HHMM From To Subject
105.	20210315 0909 CM Anderson to Constituent 11
106.	20210315 0911 CM Anderson to Constituent 5
107.	20210315 0913 CM Anderson to Constituent 4
108.	20210315 0915 CM Anderson to Constituent 3
109.	20210315 0918 CM Anderson to Constituent 1
110.	20210315 0946 Mayor to Constituent 28
111.	20210315 0954 Constituent 5 to CM Anderson
112.	20210315 1310 Constituent 29 to full Council
113.	20210315 1325 Alpha to full Council
114.	20210315 1457 Constituent 30 to Mayor VM Koprowski CM Anderson CM Hendri
115.	20210315 1541 Constituent 31 to full Council
116.	20210315 1612 Constituent 32 to Mayor and VM Koprowski
117.	20210315 1656 CM Anderson to Constituent 31

Exhibit H to Ethics Report and Recommendation

Mayor Peterson's constituent emails re proposed Morrison Ranch apartment project, March 13-15, 2021 (pseudonyms)

#	YYYYMMDD HHMM From To Subject
1.	20210313 2123 Beta to full Council
2.	20210313 2137 Beta to full Council
3.	20210313 2247 Constituent 2 to Mayor
4.	20210313 2322 Constituent 3 to full Council
5.	20210314 0214 Constituent 4 to full Council
6.	20210314 0638 Constituent 5 to full Council
7.	20210314 0732 Constituent 6 to full Council
8.	20210314 0809 Constituent 7 to Mayor
9.	20210314 0828 Constituent 8 to Mayor
10.	20210314 0829 Constituent 9 to full Council
11.	20210314 0830 Constituent 10 to Mayor
12.	20210314 0918 Constituent 11 to full Council
13.	20210314 0943 Constituent 12 to Mayor
14.	20210314 0949 Constituent 13 to Mayor and VM Koprowski
15.	20210314 0956 Constituent 14 to full Council
16.	20210314 1003 Constituent 16 to Mayor
17.	20210314 1008 Constituent 17 to full Council
18.	20210314 1014 Constituent 18 to full Council
19.	20210314 1032 Constituent 19 to full Council
20.	20210314 1045 Constituent 20 to full Council
21.	20210314 1048 Constituent 21 to full Council
22.	20210314 1148 Constituent 22 to full Council
23.	20210314 1152 Beta to Mayor
24.	20210314 1157 Mayor to Beta
25.	20210314 1158 Mayor to Constituent 2
26.	20210314 1158 Mayor to Constituent 3
27.	20210314 1158 Mayor to Constituent 4
28.	20210314 1159 Mayor to Constituent 5
29.	20210314 1159 Mayor to Constituent 7
30.	20210314 1159 Mayor to Constituent 8
31.	20210314 1200 Mayor to Constituent 9
32.	20210314 1200 Mayor to Constituent 10
33.	20210314 1200 Mayor to Constituent 11
34.	20210314 1200 Mayor to Constituent 12
35.	20210314 1200 Mayor to Constituent 13
36.	20210314 1201 Mayor to Constituent 17
37.	20210314 1201 Mayor to Constituent 18
38.	20210314 1202 Mayor to Constituent 19
39.	20210314 1202 Beta to Mayor
40.	20210314 1203 Mayor to Constituent 20
41.	20210314 1204 Mayor to Constituent 14
42.	20210314 1204 Mayor to Constituent 21
43.	20210314 1205 Mayor to Constituent 22
44.	20210314 1206 Constituent 14 to Mayor
45.	20210314 1206 Mayor to Beta
46.	20210314 1209 Constituent 20 to Mayor
47.	20210314 1212 Constituent 23 to full Council
48.	20210314 1219 Mayor to Constituent 20
49.	20210314 1224 Beta to Mayor
50.	20210314 1230 Mayor to Beta
51.	20210314 1231 Constituent 24 to full Council
52.	20210314 1232 Mayor to Constituent 23

Exhibit H to Ethics Report and Recommendation

Mayor Peterson's constituent emails re proposed Morrison Ranch apartment project, March 13-15, 2021 (pseudonyms)

#	YYYYMMDD HHMM From To Subject
53.	20210314 1232 Mayor to Constituent 24
54.	20210314 1235 Constituent 20 to Mayor
55.	20210314 1239 Beta to Mayor
56.	20210314 1241 Constituent 18 to Mayor
57.	20210314 1241 Mayor to Constituent 20
58.	20210314 1242 Constituent 24 to Mayor
59.	20210314 1244 Beta to Mayor
60.	20210314 1251 Mayor to Beta
61.	20210314 1255 Beta to Mayor
62.	20210314 1259 Mayor to Beta
63.	20210314 1312 Beta to Mayor
64.	20210314 1325 Mayor to Beta
65.	20210314 1336 Beta to Mayor
66.	20210314 1348 Constituent 10 to Mayor
67.	20210314 1414 Constituent 4 to full Council except CM September
68.	20210314 1430 Constituent 5 to Mayor
69.	20210314 1739 Constituent 25 to full Council Morrisons others
70.	20210314 2106 Constituent 26 to Mayor
71.	20210314 2135 Constituent 27 to Mayor and CM Anderson
72.	20210314 2139 Mayor to Constituent 25
73.	20210314 2140 Mayor to Constituent 26
74.	20210314 2140 Mayor to Constituent 27
75.	20210315 0841 Constituent 11 to Mayor
76.	20210315 0901 Constituent 28 to full Council
77.	20210315 0946 Mayor to Constituent 28
78.	20210315 1310 Constituent 29 to full Council
79.	20210315 1325 Alpha to full Council
80.	20210315 1457 Constituent 30 to Mayor VM Koprowski CM Anderson CM Hendri
81.	20210315 1541 Constituent 31 to full Council
82.	20210315 1612 Constituent 32 to Mayor and VM Koprowski

Exhibit I to Ethics Report and Recommendation

March 14 Mayor Peterson and Howard Morrison email exchange¹

MMDD@ HHMM	From	To	Message
0314@ 1006	Mayor	Howard Morrison	<p>[Subject:] Fwd: Morrison Ranch Apartment Amendment - Opposed</p> <p>FYI either I or the entire council have received 14 email, so far, since last night about your requested rezone.</p> <p>Is 3/15 the pre-app meeting?</p> <p>Thanks</p> <p>Brigette</p> <p>Sent from my iPhone</p> <p>Begin forwarded message:</p> <p>From: Constituent 9</p> <p>Date: March 14, 2021 at 9:57:11 AM MST</p> <p>To: [Full Council]</p> <p>Subject: Morrison Ranch Apartment Amendment - Opposed</p> <p>Hi everyone,</p> <p>I hope this email finds you well. I am reaching out in response to the proposal to increase the number of zoned apartments on the corner of Higley and Warner in the Morrison Ranch Community.</p> <p>I am uncertain of how this process works but wanted to cast my family’s unofficial vote. We strongly oppose the amendment to the size and density level of the apartments already zoned for that parcel.</p> <p>I wish there was a legitimate voting process for the people who live in these communities so our voices could be adequately heard. We all know that if the families that live in these communities were properly informed and given a chance to vote this amendment would never see the light of day. It wouldn’t even stand a chance.</p> <p>But unfortunately that's not how it works. Unfortunately most things like this follow the dollars and not the people.</p> <p>Which is why I'm taking the time to reach out to each of you, as elected officials, please represent the voice of the people who live here, who raise families in Morrison Ranch. This is a greedy and unnecessary amendment.</p> <p>Please do not allow them to compromise the safety and integrity of the community. If you live here you already know these intersections are congested and numerous accidents happen regularly. Adding an extra couple hundred people to the corner is only going to make this worse.</p> <p>The Lakeview Trails community is almost done, with the majority of the neighborhood built out. To change the density this late in the game is absolutely unacceptable to everyone that has invested and rooted their families there. This type of bait and switch will</p>

¹ The subject line remained the same and is omitted after the first email. Contact information and phone numbers in email signature blocks are omitted without attribution.

Exhibit I to Ethics Report and Recommendation

MMDD@ HHMM	From	To	Message
			<p>provide value to the developers and not to those who will live here long term.</p> <p>Please take a moment to read through the flood of emails you are getting. It's obvious what the people want and deserve. And it's obvious what needs to be done.</p> <p>Thank you for taking the time to listen.</p> <p>Constituent 14</p>
0314@ 1020	Howard Morrison	Mayor	<p>Yes it is.</p> <p>It exploded on FB last night.</p> <p>LOTS of misinformation going around.</p>
0314@ 1021	Howard Morrison	Mayor	<p>I resounded incorrectly.</p> <p>Tomorrow night is the initial Neighborhood Meeting required before a PreApp. Step #1.</p>
0314@ 1030	Mayor	Howard Morrison	<p>Ok! The meeting before the preapp!</p> <p>Wanted you to know the residents are reaching out to Me/Us.</p> <p>Another few emails since I emailed you.</p>
0314@ 1033	Howard Morrison	Mayor	<p>Always appreciate the heads up.</p>
0314@ 1211	Mayor	Howard Morrison	<p>Howard</p> <p>Have you submitted anything to the town yet?</p> <p>Thanks,</p> <p>Brigette</p>
0314@ 1229	Howard Morrison	Mayor	<p>Just the request due the Neighborhood Meeting. We can't submit anything until after the meeting.</p>
0314@ 1231	Mayor	Howard Morrison	<p>Thank you!</p> <p>These residents are telling people this is a final step and Council will be making a decision tomorrow night at the "council hearing".</p> <p>I've sent this response to the neighbors and answer questions as I get them:</p> <p>"The Town of Gilbert requires a pre-application meeting with neighbors. The 3/15 meeting is the first step in the potential rezoning process. This is your first opportunity, of many, to have your voices heard and your questions answered."</p> <p>My best,</p> <p>Brigette</p>
0314@ 1239	Howard Morrison	Mayor	<p>Ok</p>

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MMDD@ HHMM	From	To	Message
0314@ 1247 ²	Mayor	Howard Morrison	Howard Can you tell me how many residents you sent the March 1st letter to? The residents are saying not enough residents were notified and they weren't given enough notice. Lakeview
0314@ 1412	Mayor	Howard Morrison	Residents feel not enough notice was given for the 3/15 meeting. I did see the letter dated March 1st, they feel it was only sent to 5 or 10 neighbors and that the Morrison's control the HOA so they weren't notified by the HOA either. The "Morrison's" have manipulated the system/process to push this request through. If you could share how many residents the letter was sent to and any other communications that might be helpful. I've been told there is a petition with 400 signatures gathered in 2 hours and that the neighbors are hiring an attorney to make sure they are treated fairly. Beta has been the most aggressive as I've tried to explain the process. I'll let you know if I hear anything else. Brigette
0314@ 1421	Howard Morrison	Mayor	We followed the Town's Notice requirements for letters and signs. Only 33 letters were required. The area being effected has a lake to the north (basically no residents), Higley Rd to the west (so only 5-7 residents along Higley), a retention area to the east (so only 6-8 residents within Lakeview Trails), and Warner Rd to the south, so only large tracts of undeveloped land (non-Morrison Ranch). The Principal Planner has all the paperwork if you choose to look at it, or I can provide a copy directly if you wish. Morrison Ranch Community Council was notified (although not required at this stage) nor did it provide notice to the residents (also not required at this stage). However, with social media, somewhere between 500-700 people have been notified. The problem is, the residents are reacting to something before they know many details. And, as often is the case, things are being passed along that simply are not true (like the Town Council will vote Monday night). I've read (and will read) all comments on social media. We want to address as many of their concerns as possible tomorrow night. A few have suggested to get legal advice and yes I've seen some of Beta's suggestions as to who to hire and how much it would take. Let me know if I can provide you anything else.
0314@ 1439	Mayor	Howard Morrison	Howard I've heard the same thing from residents dozens and dozens of times over the years. On so many different projects. It's very obvious people know about the meeting in time to participate. We've had around 20 emails from different households.

² It is not clear whether this email was ever sent.

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MMDD@ HHMM	From	To	Message
			<p>I'm sure you followed requirements just wanted you to have it all ready for response.</p> <p>Beta insisted I attend the Zoom, I don't feel it's my place at this time. I didn't tell him I would or wouldn't attend.</p> <p>Good luck!</p>
0314@ 1443	Howard Morrison	Mayor	Thank you.

Exhibit J to Ethics Report and Recommendation

March 13-14 Mayor Peterson and Beta email exchange¹

MMDD@ HHMM	From	To	Message
0313@ 2123	Beta	Full Council	<p>[Subject:] Northeast Corner of Hickey & Warner</p> <p>Mayor & Respected Council Members</p> <p>This letter was allegedly sent to local residents regarding the “minor “general plan amendment/rezoning.</p> <p>No one (or very few) in the neighborhood has received this notice. This amendment would be devastating to our community. Please let me know what us residents can/need to do to make our voices heard.</p> <p>The traffic, crime & mischief and maintenance of the area is already horrific. By making this a medium density area will only add fuel to the fire.</p> <p>Please help. My family is at your mercy.</p> <p>Beta</p>
0313@ 2137	Beta	Full Council	<p>[Subject:] Re: Northeast Corner of Hickey & Warner</p> <p>*UPDATE: I am told the amendment has already been filed, so whoever submitted this amendment prior to the zoom call schedule for Monday isn’t interested in my opinion!</p> <p>No posted signs, no letters to the community. Sounds highly suspect and arguably illegal!!! What gives?!</p>
0314@ 1152	Beta	Mayor	<p>[Subject:] Proposed Rezoning Of NE Higley & Warner</p> <p>I understand that you received a glowing endorsement from the Morrison’s — and with that, comes the sense of obligatory reciprocation. But please please please help our community by not allowing the zoning amendment to pass. (NE CORNER Higley & Warner) Clearly this was meant to slip thru the cracks. No one in Lakeview Trails received notice of hearing, the sign posted on property is not to regulation. It’s a blatant bait and switch and more importantly is a HUGE safety hazard. You don’t want this type of blood on your watch. Please help. Your community begs you.</p> <p>1) this letter was not sent to anyone in Lakeview Trails</p> <p>2) the sign posted does NOT appear to be to spec / size / regulation</p> <p>This is a bait and switch — had we known the amount of housing would be so condensed, we likely would NOT have purchased here.</p> <p>The community can BARELY police / maintain what it has... there’s mischief, loitering, littering, menacing and destruction of property on the regular here. Imagine what adding HUNDREDS OF additional medium density houses will do?</p> <p>Literally caught teens defecating on the side of the road in front of a neighbors house.</p> <p>Please help!!!!!!!</p>

¹ Subject lines are included to distinguish between two concurrent email strings between the Mayor and Beta, one with the subject “Northeast Corner of Hickey & Warner” and the other “Proposed Rezoning Of NE Higley & Warner.” Contact information and phone numbers in email signature blocks are omitted without attribution.

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MMDD@ HHMM	From	To	Message
0314@ 1157	Mayor	Beta	<p>[Subject:] Re: Northeast Corner of Hickey & Warner</p> <p>Beta</p> <p>The Town of Gilbert requires a pre-application meeting with neighbors. The 3/15 meeting is the first step in the potential rezoning process. This is your first opportunity, of many, to have your voices heard and your questions answered.</p> <p>My best,</p> <p>Brigette</p>
0314@ 1202	Beta	Mayor	<p>[Subject:] Re: Northeast Corner of Hickey & Warner</p> <p>Thank you.</p> <p>Therein lies the concern first & foremost.</p> <p>The notification of this meeting NEARLY slipped thru the cracks. We as a community are scrambling to get the word out to our fellow neighbors.</p> <p>1) no one (or shall I say very very few) people in the community received a letter... no one that I know of in Lakeview Trails received it.</p> <p>2) the sign posted on the property APPEARS to be smaller than what is required</p> <p>We JUST received our "HOA" bill and newsletter, if the intent was to notify us of the hearing, the Morrison's should of put it in there. It's CLEAR that they wanted this to slip thru the cracks.</p> <p>We will try to bring as many people as we can to the hearing with such short notice. But the way this all came to fruition is questionable at best.</p> <p>I/we as a community trust you'll advocate for fairness/ethics and will look into this further.</p> <p>Thank you for such a quick response!</p> <p>Beta</p>
0314@ 1206	Mayor	Beta	<p>[Subject:] Re: Proposed Rezoning Of NE Higley & Warner</p> <p>Beta</p> <p>My endorsement have never and will never play a part in my decisions. Howard Morrison and I have known each other for over 20 years and have served on a board together during that time.</p> <p>I have always been able to separate those 2 things out as I process requests in Gilbert.</p> <p>My best,</p> <p>Brigette</p>
0314@ 1224	Beta	Mayor	<p>[Subject:] Re: Proposed Rezoning Of NE Higley & Warner</p> <p>I genuinely appreciate that. One's actions speak louder than words, so I hope you prove yourself right.</p> <p>We as a community are desperately trying to assemble to have our voices heard tomorrow.</p>

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MMDD@ HHMM	From	To	Message
			<p>However, we are already at a disadvantage/handicap seeing as how the notification/posted signs were not done per regulations, as if the intent were to slip this amendment thru with no one noticing. Case in point the location and size of posted signage. Posted signage is suppose to be 25 feet from the road, when it is in actuality closer to 50ft. (Which we have documented via photo/video)</p> <p>Again, The notice to the community is practically nonexistent. So you can understand our concern, here.</p> <p>Respectfully</p> <p>Beta</p>
0314@ 1230	Mayor	Beta	<p>[Subject:] Re: Proposed Rezoning Of NE Higley & Warner</p> <p>Beta</p> <p>This is the first step in a PRE-application for a potential rezoning process. This application hasn't moved forward at all yet.</p> <p>Tomorrow's meeting is between the neighbors and developer, it is not a formal hearing of any kind, it's an opportunity for the neighbors to hear this proposal and offer feedback.</p> <p>My best,</p> <p>Brigette</p>
0314@ 1239	Beta	Mayor	<p>[Subject:] Re: Proposed Rezoning Of NE Higley & Warner</p> <p>I understand that Bridgette.</p> <p>The point I'm trying to make is that we were barely notify this PRE application hearing was even happening.</p> <p>Putting the laundry list of reasons as to why the rezoning shouldn't happen; The point I'm trying to make is that just the simple notification that the pre-application hearing was happening wasn't even following regulation. Had there not been a squeaky wheel within the community, this pre-application hearing would have come and gone. Now we are trying to assemble.</p> <p>in my humble opinion, I believe the first order of business tomorrow should be to discuss the fact that proper / sufficient notice has not been given to the community for this pre-application hearing.</p> <p>With all due respect, if you/the town can't recognize that policy was not followed to simply announce the pre-application... then we have even bigger problems. (again, I'm not even to the point of addressing the safety issues the rezoning brings to the table)</p>
0314@ 1244	Beta	Mayor	<p>Tomorrow's meeting/hearing/preapplication should HAPPEN, but only to announce to the small portion of the community that is aware, that the town recognizes that sufficient notice was failed to be given and the pre-application hearing is being rescheduled so that sufficient notice can be given so that the community has time to assemble and have their voices heard.</p>
0314@ 1251	Mayor	Beta	<p>Beta</p> <p>Please feel free to discuss those concerns with the developer tomorrow evening during the Zoom meeting.</p>

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MMDD@ HHMM	From	To	Message
			<p>The letter you provided to me was dated March 1st and that is 2 weeks prior to the meeting date. It was required to be sent to residents within 300ft and HOAs within 1000ft of the project. The developer will be able to explain that process, they've done it many, many times.</p> <p>My best, Brigette</p>
0314@ 1255	Beta	Mayor	<p>Haha, 300ft from the area barely touches any houses because the area is still under development.</p> <p>The community will likely be hiring an attorney, because clearly the developers / Morrison's found ways to manipulate the system/process.</p> <p>Over 400 signatures on a petition in under 2hrs.... clearly there's concern here.</p>
0314@ 1259	Mayor	Beta	<p>Beta</p> <p>My intent is not to argue with you but to help educate you to the process.</p> <p>This isn't even an application yet so the Morrison's haven't manipulated any system or process. This is a PRE-application meeting required by the Town of Gilbert so the neighbors can hear about the project and have input BEFORE it moves forward in the process.</p>
0314@ 1312	Beta	Mayor	<p>Think about it:</p> <p>The Morrison's are the only one of the HOA board — so they notified themselves, not the residents (why would they if THEY are advocating the change?!?). There are less than 10 houses that are within 300ft —</p> <p>To your point, they've done this time and time again, they know how to manipulate the system.</p> <p>Perhaps, if you weren't planning on attending the meeting, you should.</p> <p>Advocate for fairness in the process. This isn't fair. It's corrupt.</p>
0314@ 1325	Mayor	Beta	<p>Beta</p> <p>I respectfully disagree with your assessment. I have never seen the Morrison's work to manipulate the system. Have you reached out to Howard Morrison?</p> <p>The developer can explain the notification process and how many residents were notified during the meeting tomorrow evening.</p> <p>This is the FIRST meeting in this potential rezone process... this is the first opportunity for neighbors to hear about the project, ask questions and share concerns. The project hasn't been submitted officially to the Town yet. If/when the project starts the official Town</p>

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MMDD@ HHMM	From	To	Message
			<p>process there will be many more opportunities for residents to provide feedback.</p> <p>Have a great rest of your Sunday.</p> <p>Brigette</p>
0314@ 1336	Beta	Mayor	<p>Agree to disagree —</p> <p>We have reached out to Howard and council, no response. Which is expected, seeing as the residents first heard about this LAST NIGHT.</p> <p>Again, try sitting our shoes. A developer sent an email to an HOA (that is run by the Morrison's and not the residents) and sent a letter to maybe 5-10 houses within 300ft. They posted a small sign 50ft off the road (when it was supposed to be 25ft)</p> <p>It's shady. Like I said, we are retaining an attorney.</p> <p>Morally, it would be appropriate for you to join the meeting and speak on behalf of the community. If I were an elected official I would do it. It's not fair. But you do what you feel is right.</p> <p>Have a great Sunday!!</p> <p>Beta</p>

Exhibit K to Ethics Report and Recommendation

March 14 Mayor Peterson and Constituent 20 email exchange¹

MMDD@ HHMM	From	To	Message
0314@ 1045	Constituent 20	Full Council	<p>[Subject:] Morrison Ranch Zoning Changes</p> <p>Dear Gilbert Town Council,</p> <p>My family has lived in Gilbert and Morrison Ranch since 2013. All three of our children were born in Gilbert, and we are currently building our third (and hopefully final!) home in Morrison Ranch near Bloomfield Parkway and Kenneth Lane.</p> <p>When we purchased our dream home, we knew that part of the parcel located on the NE corner of Higley and Warner was zoned for low density apartments. And while we weren't huge fans, we understood that it was part of the plan. We, as residents, have been very involved in our community and have asked the Morrison Family for changes over the years to benefit the community (adding white picket fences by the lake, adding a splash pad, changing volleyball courts, etc) and are told "we developed our master plan many years ago and will not make any changes to the plan". Yet now, they are requesting a change that will benefit their pockets, and not the community.</p> <p>If this change is allowed, this would mean an additional 300 apartment residences. Our area already has too much traffic and the state as a whole has one of the highest number of pedestrian accidents in the country. When it is pick up time at ALA, traffic backs up past Warner Road. A crash already occurs every three hours in Gilbert and I'm aware that the town is currently updating the transportation master plan. Is adding more high density housing in an area that already has high density multifamily approved less than a half a mile away (the SE corner of the same intersection) the best option?</p> <p>I'm curious what the reason for this requested change is. Again, the Morrison family tells residents over and over that no changes will be made to the master plan to benefit the community, so why should we have something that harms the safety of current residents, but benefits the bank accounts of the Morrison family?</p> <p>As a graduate of Gilbert's Leadership program, I know that the Town of Gilbert has always been proud of the overall feel of the community. Changing the density of this area doesn't preserve the small town feel that Gilbert is supposed to have. To quote Mayor Peterson, "Gilbert is the size of a city, with the heart of a town". Let's do what is best for the community as a whole.</p> <p>Sincerely,</p> <p>Constituent 20</p>

¹ The subject line remained the same and is omitted after the first email. Contact information and phone numbers in email signature blocks are omitted without attribution.

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MMDD@ HHMM	From	To	Message
0314@ 1203	Mayor	Constituent 20	<p>Constituent 20</p> <p>The Town of Gilbert requires a pre-application meeting with neighbors. The 3/15 meeting is the first step in the potential rezoning process. This is your first opportunity, of many, to have your voices heard and your questions answered.</p> <p>My best, Brigette</p>
0314@ 1209	Constituent 20	Mayor	<p>Does it matter though? When hundreds of us say we oppose it, but the property owners want it, will the application be denied?</p>
0314@ 1219	Mayor	Constituent 20	<p>Constituent 20</p> <p>This is the process for exactly this reason, the neighbors can have a say before the developer begins the formal process and invests too much time and money into a project. I can't say what will happen with this specific project but I can tell you other projects have been modified significantly prior to application.</p> <p>I think there might be some misinformation circulating, this is a PRE-application meeting with neighbors, this is NOT a Town meeting or hearing. The Town Council will not be part of this meeting tomorrow evening, it's an informal meeting between neighbors and the developer.</p> <p>Brigette</p>
0314@ 1235	Constituent 20	Mayor	<p>Oooohhh. So then the developer decides if they want to move forward?</p>
0314@ 1241	Mayor	Constituent 20	<p>Yes and HOW they will move forward, will they continue on the same path or adjust based on feedback.</p> <p>Sometime the neighbors hear the actual presentation from the developer and realize it's not what they thought.</p> <p>I've definitely seen these meetings work both ways.</p>

Exhibit L to Ethics Report and Recommendation

Hello,

My name is [REDACTED] and I live at [REDACTED] Gilbert AZ 85296. I have been a Gilbert resident for over 10 years. My wife and I are raising our two young children here in Gilbert. We love this Town.

I am writing because I recently learned of what I perceive to be inappropriate and unnecessary conduct on part of the Mayor that undermines the integrity of the office. Accordingly, I would like to file a formal ethics complaint against the Mayor, Brigette Peterson.

The Town of Gilbert Policy Statement number 2012-03, which was provided to me by a Town of Gilbert employee, lists multiple ethical obligations and standards expected of Gilbert Public Officials. I assert that Mayor Peterson has violated Town policy as I will describe below.

Brief Background:

I am a [REDACTED]

We have been married almost 10 years, are registered voters, tax payers, regular donors to charity and have no criminal records. I share these simple facts to establish some sense of my credibility as a person.

After building our dream home last year and after 95% of the neighborhood was built out (and successfully sold by the Morrisons), the Morrisons announce their intent to increase both the number of acres and the density of the apartments allowed by the general plan. 300 feet from my house, the Morrisons decide to put a huge medium density apartment complex after we relied on other information in the disclosures when making the greatest investment of our lives. This all started as the Morrisons trying to push through their proposal and thousands of residents opposing it.

The following sections of the Town Ethics Policy (in red) are applicable to my concerns (in black):

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Responsibilities of Public Service. Recognizing the special responsibilities of serving Gilbert and its citizens and customers, Public Officials shall maintain the highest standards of integrity and honesty and shall treat all members of the public and fellow colleagues with respect, courtesy, concern and responsiveness.

1.1 Fairness and Respect. All issues and citizens shall be handled with fairness, impartiality and respect. Public Officials have an obligation to treat all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting, by having an open mind on issues presented, and by being willing to listen to different points of view.

1. The Mayor took information shared with her by trusting citizens regarding the Morrisons' apartment rezoning initiative and contacted the Morrisons for the purpose of giving them a heads up, inside information, so they could 'be prepared for response.'
2. She mocked the assertions made by citizens about the Morrisons 'manipulating the system/process to push the request through' in a facetious and dismissive manner. Again, not information we wanted shared with the Morrisons because it was not an assertion made by the public at large and it was represented in a broad stroke over people than may not have that viewpoint. Nonetheless, it was not professional and just instigated further conflict.
3. She went so far as to identify to the Morrisons, a private citizen by name and labeled him as 'most aggressive' so they would be aware and warned about him as their opposition. This is disrespectful to that private resident and the Mayor had no legitimate purpose of sharing his name with the Morrisons and labeling him like a troublemaker. He trusted her with privileged and she put him in the crosshairs of his adversary. The Mayor put the gentleman and his family at risk of harm from any form of retaliation, an unnecessary risk imposed by her actions alone.
4. The Mayor also shared information with the Morrisons regarding the intent of some residents to obtain an attorney, which is not something the Mayor needed to share with the opposing side, without our knowledge or consent. Turns out, her information was not even correct, as no neighbors have hired or even talked to any attorney. The Mayor also tipped off the Morrisons about our efforts to circulate a petition against their initiative. Again, giving this privileged information to the opposing side (using her official Town email account) shows clear bias and since we did not want, or expect her to

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turn around and tell the Morrisons everything, it makes us feel like we were betrayed by the Mayor...she is supposed to be impartial!

5. The mayor discounted complaints that we were not properly notified about the initial public meeting by stating that 'it is very obvious residents know about the meeting in time to participate' and completely ignored the fact that the notice is not just so we can have enough notice to attend, but we needed (and did not receive) enough notice to PREPARE for the meeting. We had a little over 24 hours before the meeting was held, once we found out about it. We didn't have time to study the general plan, the minutes of the planning commission meetings, council meetings, consider the impact to our homes by consulting with various professionals. We didn't have time to do ANY of that stuff. Meanwhile, the Mayor is tipping off the Morrisons the day before this meeting, because she 'wanted them to have it all ready for response.' How is this part of the official duty of the Mayor? It is obvious she wanted them to be prepared ahead of the meeting by feeding them this information, while not doing the same for us.
6. She went so far as to share with the Morrisons the written response she had been sending to the residents, so they would know what was being said about the situation, almost to get the nod of approval from the Morrisons. Again, totally inappropriate for the Mayor to be sharing with the Morrisons, what message she is sending to the residents. We were not privy to the messages she was sending to the Morrisons, so why should the Morrisons be getting exact quotes of the messages she was sending to us?
7. On the issue of residents complaining they did not have adequate notice, you can see the Mayor once again brushed off our concerns by stating 'I am sure you followed requirements' when in fact there is no way she could have known that...it just tells you how biased she is in her thinking, that the Morrisons could not possibly have failed to follow the requirements. Unfair and unprofessional! The truth is, the Morrisons had their signs posted 50 feet from the road, when the max is 25 feet. We took video where we measured to prove it. Brigitte tipped them off and was dismissive of our concerns in her email, obviously in favor of her friends the Morrisons who she assumed followed the rules.
8. She has stated on multiple occasions that she has been friends with the Morrisons for over 20 years. She had Howard Morrison co-chair her campaign and they were among her biggest if not her biggest donors. The optics make it appear as if she owes them the favor of giving them this information and insider updates ahead of their neighborhood meeting on March 15th.

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9. The Mayor is supposed to be unbiased and impartial. Sending them an email where she wishes them ‘good luck’ implies she has a preference for a particular outcome—which is for them to do well in the initial meeting, the purpose of which is to advance their cause of adding even more apartments than the general plan currently allows. How are we supposed to believe she will be impartial during a council vote to approve the Morrisons’ amendment if she clearly has a preference for the outcome?

3.3 Loyalty. Public Officials have an obligation to put the interest of Gilbert over personal considerations and to make the public's interest their primary concern.

The public outcry is loud and strong, thousands of people have signed the petition against the additional apartments the Morrisons are trying to add. I do not see this type of support in favor of it. In fact, it seems only the Morrisons want this, yet the Mayor refuses to acknowledge her actions indicate her interests are more aligned with pleasing the Morrisons than listening to countless residents opposing the project.

4. Confidential Information. Gilbert is committed to maintaining an open and accessible government intended to engender trust and confidence from the public, while at the same time protecting confidential information as required or permitted by law.

The Mayors actions are the antithesis of behaviors which engender trust and confidence from the public.

4.2 Public Officials shall not use confidential, privileged or protected information to advance the financial or other private interest of himself or herself or others.

The information shared with the Mayor should be considered privileged because she would not have been able to obtain the intel if she was not the Mayor. She then took information and shared it with the Morrisons who are trying to get their amendment passed. Her efforts were undoubtedly helpful, at least to some extent, to their cause. Getting this approval is required for them to be able to meet the demands of the potential buyer of their land. Therefore, the Mayor used her

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position to obtain information, which she then disseminated to the opposing party in an move that arguably served to ‘advance the financial or other private interest of herself or others. Remember this is not the first time the Mayor has been wrapped up in taking campaign donations and then voting favorably for the applicant/donor. <https://www.azcentral.com/story/opinion/op-ed/joannaallhands/2018/07/19/gilbert-town-council-jordan-ray-brigitte-peterson-return-city-gate-campaign-contributions/800072002/>

Code of Ethics Training. It is important that training be made available to Public Officials in order that the purposes of this Code of Ethics may be successfully implemented.

6.1 Training. Public Officials shall attend at least one training session per term regarding the regarding this policy.

Has Mayor Peterson Received this training? If so, please provide the date of training.

7.3 Interference with Duty to Disclose Violations. Public Officials shall never attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any person with the intent of interfering with that person's duty to disclose improper activity.

The Mayor never ‘intimidated, threatened, coerced or commanded’ me to do anything, but I do feel she tried to influence me from moving forward with bringing these ethical violations to light. She called me on 6/7/2021 to argue against my assertions and to tell me I am reading into things and making things up that aren’t true. Again, she was very respectful and cordial, but clearly her call was prompted by my posting to facebook of her emails to the Morrisons, and I perceived her intent as getting me to change my mind about reporting her for what she did. She was very upset and we ended up arguing about this for almost 50 minutes. I do not feel it is appropriate for an elected official to approach a private citizen and confront them about releasing the result of a FOIA request that is potentially politically damaging.

The Mayor also called me back in April because she did not like a political website that was launched and again, influenced me to take it down. I think the Mayor lacks a basic understanding of professional ethics. Her decision-making skills and ability to analyze risk vs benefit are severely lacking.

I am asking the Council to censure the Mayor for her ethical transgressions.

Exhibit M to Ethics Report and Recommendation

From: [REDACTED]
To: [Clerk's Office](#)
Cc: [Chris Payne](#)
Subject: Ethics Complaint: Mayor Brigette Peterson
Date: Thursday, June 10, 2021 8:57:13 PM
Attachments: [IMG_0557.JPG](#)
[IMG_0555.2.JPG](#)
[IMG_0555.JPG](#)
[IMG_0554.JPG](#)
[IMG_0553.JPG](#)
[3.14.21.2redacted.pdf](#)

To Whom it may Concern,

My name is [REDACTED] [I live with my wife & two young children ages 7 & 11 at [REDACTED] [REDACTED]. Gilbert AZ 85296] and I would like to file a formal ethics complaint against Mayor Brigette Peterson.

On Sunday March 14th 2021; I emailed Mayor Peterson to express my strong opposition to the rezoning of the NE Higley & Warner property. My concern was not only about the proposed rezoning, but how the Morrison Family (property owners filing the addendum) were handling the issue; including, but not limited to the notification (or lack there of) to surrounding residents about a preliminary meeting (set for a few days later). The mayor and I communicated back-and-forth via email over the course of maybe a few hours that Sunday. (I've attached a copy of that email exchange).

Through FOIA request #PRR2021-135, I later discovered that Mayor Peterson was also communicating (in real-time) with Howard Morrison. I discovered that she was feeding Mr. Morrison information wishing him luck and wanted to make sure he had all the information ahead of the public meeting so that he was ready for a response. Excerpts from Mayor Peterson to Howard Morrison including, but certainly not limited to:
"Wanted you to know the residents are reaching out to Me/Us" ... "Another few emails since I emailed you"
"I'm sure you followed requirements just wanted you to have it all ready for response"
She even went so far as to wish Mr. Morrison "Good Luck"
and Howard Morrison replying "thank you" and "Always appreciate the heads up"

... There's more, but this gets my point across.

This in & of itself is extremely concerning. Here we are, private citizens, emailing our elected Mayor concerns about an issue and she turns around and is e-mailing Howard Morrison (her campaign co-chair, having donated the maximum amount allowed to her campaign) arming him with information because she "wanted [him] to have it all ready for response." Which, in my humble opinion, is putting her personal interests & considerations ahead of the public's.

But then, I noticed that she called me out by name to Mr. Morrison, stating "[REDACTED] [REDACTED] has been the most aggressive as I've tried to explain the process." And at that point, my jaw dropped, heart sank and fear set in. She just gave one of the most influential men/families of Gilbert my name and labeled me as "the most aggressive" in opposition to a plan that yields great personal gain to them. I was (and still am) a private citizen who is concerned about the Morrison land issue. But now, due to Mayor Peterson emailing Howard Morrison, calling me out by name and labeling me as "the most aggressive" I find my self fearful of what could happen next. My personal opinion over land matter has direct/indirect

Exhibit M to Ethics Report and Recommendation

impact to the Morrison family, developers, politicians and beyond. There's a difference between a "community" being in opposition of change vs. being called out by name. And here I am not only being called out by name but labeled as "aggressive." Not that I would wish this type of attention upon anyone else, but if this is an acceptable / standard practice, then why didn't the mayor call the other 20+ residents out by name in her correspondence to Howard Morrison? Why was the target put on my back?!

I know that by sending an e-mail into the mayor's office, I put myself on record expressing my opposition to the issue at hand; and that's not my concern. I was (and still am) among hundreds if not thousand of other members of the community who oppose the change. My concern lies with the Mayor e-mailing Howard Morrison, calling me out my name and labeling me as "aggressive." She metaphorically shined the spotlight on me personally telling Howard Morrison here's the first/last name of the squeakiest wheel / and labeled me as the most aggressive person that's in his way.

After discovering this, I emailed Mayor Peterson and insisted on a phone call. We spoke on Tuesday June 8th and I explained to her my concerns. I explained how I believe her involvement in the issue is a conflict of interest and requested she recuse herself from this case but more importantly, I simply wanted an apology on record from her for putting my family & me in harms way. I still remain frightened of what's to come. We live in a crazy world and Mayor Peterson has put the safety of family, me, my reputation & my property in jeopardy by labeling me as "the most aggressive" person on a public record to a powerful person and business partners. Not to mention the fact, especially in today's climate, here we have a woman (in political power) going on public record & labeling a man as "aggressive."

With the flurry of "Me Too" incidents across the country, labeling someone like myself as "aggressive" detracts from the real "Me Too" cases that are out there and it's not fair to the real victims, when such references are made towards a simple family man like me who poses no threat.

After our call on June 8th, she took a few days and responded this evening June 10th stating that she will not apologize and won't recuse herself. She cc'd Chris Payne, referencing him as the town attorney on the email, which, is completely unnecessary. If she felt obligated to keep him in the loop, she could have easily "blind carbon copied" him; but instead she chose to not only cc him, but reference him as the town attorney which is irrelevant and immaterial to her message and came across to me as a strong arm tactic to intimidate me to stay quiet and/or to project that the town attorney supports her behavior.

Out of fear of retaliation I remain hesitant to even send this email. But I feel duty bound as a citizen to put my safety to the side in the best interest of my community. This type of behavior is unacceptable and ask that the council take action to prevent further endangerment of other private citizens. It's too late for me, the damage & my safety is already in harms way and can't be undone; but perhaps this complaint will prevent further families and private citizens from being victimized by the mayor after standing up for what they believe in.

It's this conduct that I feel she is in violation of the following Code of Ethics:

1.1 Fairness and Respect. All issues and citizens shall be handled with fairness, impartiality and respect. Public Officials have an obligation to treat all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting, by having an open mind on issues presented, and by being willing to listen to different points of

Exhibit M to Ethics Report and Recommendation

view.

3.3 Loyalty. Public Officials have an obligation to put the interest of Gilbert over personal considerations and to make the public's interest their primary concern.

4. Confidential Information. Gilbert is committed to maintaining an open and accessible government intended to engender trust and confidence from the

public,

while at the same time protecting confidential information as required or permitted by law.

7.3 Interference with Duty to Disclose Violations. Public Officials shall never attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any person with the intent of interfering with that person's duty to disclose improper activity.

Respectfully Submitted,

██████████

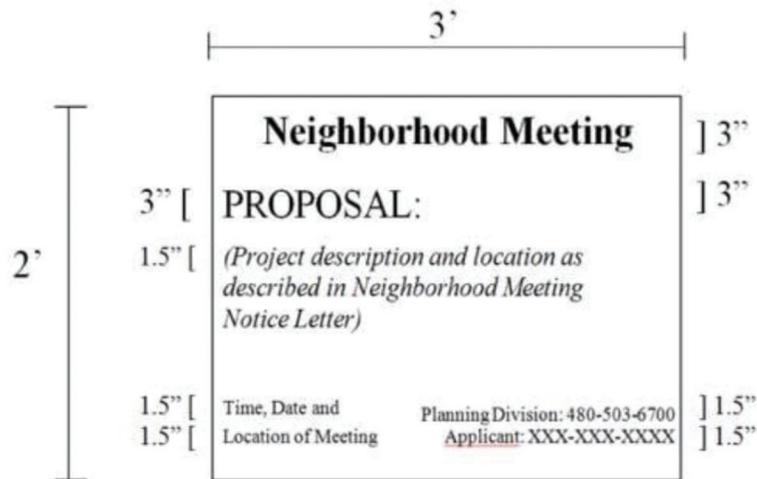
██████████



Exhibit N to Ethics Report and Recommendation

gilbertaz.gov

Criteria for Neighborhood Meeting Sign (Minimum Dimensions)



- Colors: Body to be Brilliant Yellow and lettering to be Flat Black.
- Height: Sign must be 6 feet from finished grade to the top of the sign.
- Contact the Planning Department regarding placement and number of signs.
- Sign(s) must be placed within 25 feet of the largest adjacent street(s).
- Applicant must post sign at least 10 calendar days prior to the meeting date.
- Applicant must remove sign within 10 working days after the Neighborhood Meeting.

Exhibit O to Ethics Report and Recommendation

June 7-10 Mayor Peterson and Beta email exchange¹

MMDD@ HHMM	From	To	Message
0607@ 1656 ²	Beta	Mayor	<p>[Subject:] As an elected official, shame on you...</p> <p>Brigette,</p> <p>I've read the email exchanges between Howard and you. How do you call yourself a representative of the people?!</p> <p>You're as crooked as the rest of them and this will not go unaddressed. How do justify your conduct? Moreover, how do you sleep at night? Clearly their donation sways your opinion in any matter relating to morrison real estate ventures. I trust you'll be refusing yourself from any votes pertaining to the matters?</p> <p>Not only will I be filing a formal ethics complaint and supplying various emails to support the complaint; but I will be availing this information publicly to ensure the people of Gilbert know who they are (or more importantly ARE NOT) voting for next election.</p> <p>An extremely disappointed,</p> <p>Beta</p>
0607@ 1737	Beta	Mayor	<p>Actually, after thinking about it, I'd like to speak via phone or setup a meeting at your office.</p> <p>I believe you need to issue a formal apology to me. I'll explain why... call me, please.</p> <p>Please consider this matter time sensitive.</p> <p>Beta</p>
0607@ 1815	Mayor	Beta	<p>I've tried calling you 2 times. Please call me back at [omitted].</p> <p>Thank you</p> <p>Brigette Peterson Gilbert Mayor</p>
0607@ 2154 ³	Beta	Mayor	<p>Brigette?</p> <p>I saw that you called. I'm beyond infuriated right now and having a conversation tonight would be pointless / counterproductive.</p> <p>We can discuss your apology tomorrow.</p> <p>Beta</p>
0608@ 1122	Beta	Mayor	<p>Brigette,</p> <p>I just left you a voicemail.</p> <p>I'm available for the majority of the day (Tuesday) to connect.</p> <p>Beta</p>

¹ The subject line remained the same and is omitted after the first email. Contact information and phone numbers in email signature blocks are omitted without attribution.

² Attached mark-ups of prior emails are omitted.

³ Attached Facebook screen shot of discussion about the Mayor is omitted.

Exhibit O to Ethics Report and Recommendation

MMDD@ HHMM	From	To	Message
0608@ 1133	Mayor	Beta	<p>Beta</p> <p>I saw your call and voicemail (haven't listened yet). I'm sorry to say I'm in back to back meetings until after 5:30 today.</p> <p>The best I would be able to do is tomorrow.</p> <p>My best</p> <p>Brigette</p>
0608@ 1140	Beta	Mayor	<p>I'm available today between 5:30 - 6pm — if that doesn't work, please give me a couple of times tomorrow that work so I can fit it into my calendar.</p> <p>Beta</p>
0610@ 1829	Mayor	Beta cc: Chris Payne	<p>Beta,</p> <p>I looked into your concern about your name not being redacted in the emails provided as part of the public records request. Our Town Attorney explained that names are not typically redacted, only information that is considered personally identifiable information, such as phone numbers, emails, addresses, etc.</p> <p>During our conversation you stated “this isn't a threat” prior to explaining you are a publicist and work with many major news agencies and that you requested I recuse myself from the Morrison Case or you would be turning the story over to those networks. You gave me a couple days to respond. I do believe your comments to me were threatening and I have such advised our Town Attorney, whom is copied above. I do not take lightly your comments.</p> <p>I will not be recusing myself at this time and will watch as this case progresses. I have always done my best to work with all parties involved in cases, which I will continue to do in my capacity as our Mayor. I have often times taken the concerns of the residents directly to the developers to make sure the developer is hearing and understanding those concerns, and acting as a bridge between the parties to come to a resolution whether as a Planning Commissioner, Council Member or now our Mayor.</p> <p>My best,</p> <p>Brigette</p>
0610@ 2223	Beta	Mayor cc: Chris Payne	<p>Brigette,</p> <p>With all due respect, if all you took away from our conversation was my question about <u>why</u> my name wasn't redacted and are piecemealing parts of our conversation to create a narrative that suggests that you're the victim here; then there in lies the problem.</p> <p>Beta</p>

Exhibit P to Ethics Report and Recommendation

[REDACTED]

From: [REDACTED]
Sent: Friday, July 9, 2021 1:22 PM
To: Chaveli Herrera
Cc: Patrick Banger; Chris Payne
Subject: RE: Town Ethics Policy Complaint - Brigette Peterson
Attachments: Gilbert Policy Handbook.pdf

Hi Chaveli,

1. I have not heard from the Fitzgibbons law group, but I want to make an addendum to my complaint. Please see attached pages from Gilbert's Board, Commission and Committee Handbook. I believe several of its provisions were violated by the Mayor's email activities and conduct. I highlighted the sections and made some notes on there as well. Can you please confirm this has been added to the complaint?
2. Also, are you able to confirm if the Town of Gilbert has entered into any other contracts, agreements or made any payments to the Fitzgibbons Law Offices PLC or any individual from/with that organization prior to this investigation? I understand this is a Firm the Town in fact has used before. If this is true, I formally object to this firm serving in this role for my complaint. I shouldn't even have to explain this, but if there is any expectation of future of continued contracts with the Town, that establishes and introduces the possibility that the firm could be influenced/tempted to adjudicate outcomes that are favorable to the Town. Please confirm what payments have been made to this firm in the past.

Best Regards,

[REDACTED]

From: Chaveli Herrera <Chaveli.Herrera@GilbertAZ.gov>
Sent: Friday, June 11, 2021 9:36 AM
To: [REDACTED]
Subject: RE: Town Ethics Policy Complaint - Brigette Peterson

Good morning [REDACTED]

I wanted to inform you that your complaint has been referred to our Town Attorney and his office has provided the following information:

Exhibit P to Ethics Report and Recommendation

In order to ensure the Town Attorney's Office remains independent, impartial, and free from potential claims of bias due to an investigation involving the Mayor, your ethics complaint has been referred to outside counsel (Denis Fitzgibbons and Tina Vannucci of the Fitzgibbons Law Offices) for review and investigation. Fitzgibbons Law has been given the authority and has full autonomy to take any action needed to conduct a full, fair, and impartial investigation into the your complaint, including preparing the report and recommendations required by Section 7.4 of the Code of Ethics. Either Denis or Tina may contact you as they conduct the investigation if they need additional information. Once their investigation is completed, they will prepare a report that they will file with the Town Clerk's Office. You will receive a copy of the report.

Please let me know if you have any questions or concerns.

Chaveli R. Herrera

Town Clerk
Clerk's Office
Pronouns: she, her, hers

chaveli.herrera@gilbertaz.gov

Work: (480) 503-6861 Cell: (480) 291-2095
50 E. Civic Center Dr. Gilbert, AZ 85296
Open Mon-Thurs, 7 a.m. - 6 p.m.; Closed Fridays

gilbertaz.gov



[Shaping a new tomorrow, today.](#)



From: [REDACTED]
Sent: Thursday, June 10, 2021 3:00 PM
To: Patrick Banger <Patrick.Banger@gilbertaz.gov>; Chris Payne <Chris.Payne@GilbertAZ.gov>; Chaveli Herrera <Chaveli.Herrera@GilbertAZ.gov>
Subject: RE: Town Ethics Policy Complaint - Brigette Peterson

It looks part of my email was missing text that I had pasted from word document. I have since compiled everything into a single PDF and verified it is all there. Please see attached PDF and just go off of that. Mr Banger, my cell is [REDACTED] and I am free most of the afternoon if you have a few mins.
Thanks

Best Regards,

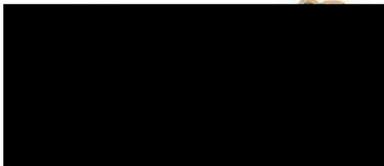
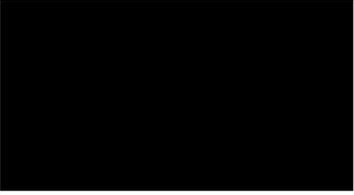


Exhibit P to Ethics Report and Recommendation



From: Patrick Banger <Patrick.Banger@gilbertaz.gov>
Sent: Thursday, June 10, 2021 2:47 PM
To: [REDACTED]; Chris Payne <Chris.Payne@GilbertAZ.gov>; Chaveli Herrera <Chaveli.Herrera@GilbertAZ.gov>
Subject: FW: Town Ethics Policy Complaint - Brigitte Peterson

[REDACTED],

Here's the email with attachments we received. Please let us know if there are additional attachments that did not come through and send them directly to Chaveli.herrera@gilbertaz.gov to add to the original ethics complaint file.

Patrick

From: [REDACTED]
Date: Tuesday, June 8, 2021 at 1:50 PM
To: Clerk's Office <ClerksOffice@gilbertaz.gov>
Cc: Patrick Banger <Patrick.Banger@gilbertaz.gov>, Chris Payne <Chris.Payne@GilbertAZ.gov>
Subject: Town Ethics Policy Complaint - Brigitte Peterson

Hello,

My name is [REDACTED] and I live at [REDACTED] Gilbert AZ 85296. I have been a Gilbert resident for over 10 years. My wife and I are raising our two young children here in Gilbert. We love this Town.

I am writing because I recently learned of what I perceive to be inappropriate and unnecessary conduct on part of the Mayor that undermines the integrity of the office. Accordingly, I would like to file a formal ethics complaint against the Mayor, Brigitte Peterson.

The Town of Gilbert Policy Statement number 2012-03, which was provided to me by a Town of Gilbert employee, lists multiple ethical obligations and standards expected of Gilbert Public Officials. I assert that Mayor Peterson has violated Town policy as I will describe below.

Brief Background:

I am a [REDACTED]



Exhibit P to Ethics Report and Recommendation

My wife is [REDACTED]

[REDACTED] We have been married almost 10 years, are registered voters, tax payers, regular donors to charity and have no criminal records. I share these simple facts to establish some sense of my credibility as a person. After building our dream home last year and after 95% of the neighborhood was built out (and successfully sold by the Morrises), the Morrises announce their intent to increase both the number of acres and the density of the apartments allowed by the general plan. 300 feet from my house, the Morrises decide to put a huge medium density apartment complex after we relied on other information in the disclosures when making the greatest investment of our lives. This all started as the Morrises trying to push through their proposal and thousands of residents opposing it.

The following sections of the Town Ethics Policy (in red) are applicable to my concerns (in black):

Responsibilities of Public Service. Recognizing the special responsibilities of serving Gilbert and its citizens and customers, Public Officials shall maintain the highest standards of integrity and honesty and shall treat all members of the public and fellow colleagues with respect, courtesy, concern and responsiveness.

1.1 Fairness and Respect. All issues and citizens shall be handled with fairness, impartiality and respect. Public Officials have an obligation to treat all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting, by having an open mind on issues presented, and by being willing to listen to different points of view.

1. The Mayor took information shared with her by trusting citizens regarding the Morrises' apartment rezoning initiative and contacted the Morrises for the purpose of giving them a heads up, inside information, so they could 'be prepared for response.'
2. She mocked the assertions made by citizens about the Morrises 'manipulating the system/process to push the request through' in a facetious and dismissive manner. Again, not information we wanted shared with the Morrises because it was not an assertion made by the public at large and it was represented in a broad stroke over people than may not have that viewpoint. Nonetheless, it was not professional and just instigated further conflict.
3. She went so far as to identify to the Morrises, a private citizen by name and labeled him as 'most aggressive' so they would be aware and warned about him as their opposition. This is disrespectful to that private resident and the Mayor had no legitimate purpose of sharing his name with the Morrises and labeling him like a troublemaker. What if the
4. The Mayor also shared information with the Morrises regarding the intent of some residents to obtain an attorney, which is not something the Mayor needed to share with the opposing side, with out our knowledge or consent. Turns out, her information was not even correct, as no neighbors have hired or even talked to any attorney. The Mayor also

Exhibit P to Ethics Report and Recommendation

tipped off the Morrisons about our efforts to circulate a petition against their initiative. Again, giving this information to the opposing side shows clear bias and since we did not want, or expect her to turn around and tell the Morrisons everything, it makes us feel like we were betrayed by the Mayor...she is supposed to be impartial!

5. The mayor discounted complaints that we were not properly notified about the initial public meeting by stating that ‘it is very obvious residents know about the meeting in time to participate’ and completely ignored the fact that the notice is not just so we can have enough notice to attend, but we needed (and did not receive) enough notice to PREPARE for the meeting. We had a little over 24 hours before the meeting was held, once we found out about it. We didn’t have time to study the general plan, the minutes of the planning commission meetings, council meetings, consider the impact to our homes by consulting with various professionals. We didn’t have time to do ANY of that stuff. Meanwhile, the Mayor is tipping off the Morrisons the day before this meeting, because she ‘wanted them to have it all ready for response.’ How is this part of the official duty of the Mayor? It is obvious she wanted them to be prepared ahead of the meeting by feeding them this information, while not doing the same for us.
6. She went so far as to share with the Morrisons the written response she had been sending to the residents, so they would know what was being said about the situation, almost to get the nod of approval from the Morrisons. Again, totally inappropriate for the Mayor to be sharing with the Morrisons, what message she is sending to the residents. We were not privy to the messages she was sending to the Morrisons, so why should the Morrisons be getting exact quotes of the messages she was sending to us?
7. On the issue of residents complaining they did not have adequate notice, you can see the Mayor once again brushed off our concerns by stating ‘I am sure you followed requirements’ when in fact there is no way she could have known that...it just tells you how biased she is in her thinking, that the Morrisons could not possibly have failed to follow the requirements. Unfair and unprofessional! The truth is, the Morrisons had their signs posted 50 feet from the road, when the max is 25 feet. We took video where we measured to prove it. Brigitte tipped them off and was dismissive of our concerns in her email, obviously in favor of her friends the Morrisons who she assumed followed the rules.
8. She has stated on multiple occasions that she has been friends with the Morrisons for over 20 years. She had Howard Morrison co-chair her campaign and they were among her biggest if not her biggest donors. The optics make it appear as if she owes them the favor of giving them this information and insider updates ahead of their neighborhood meeting on March 15th.
9. The Mayor is supposed to be unbiased and impartial. Sending them an email where she wishes them ‘good luck’ implies she has a preference for a particular outcome—which is for them to do well in the initial meeting, the purpose of which is to advance their cause of adding even more apartments than the general plan currently allows. How are we supposed to believe she will be impartial during a council vote to approve the Morrisons’ amendment if she clearly has a preference for the outcome?

3.3 Loyalty. Public Officials have an obligation to put the interest of Gilbert

Exhibit P to Ethics Report and Recommendation

over personal considerations and to make the public's interest their primary concern.

The public outcry is loud and strong, thousands of people have signed the petition against the additional apartments the Morrisons are trying to add. I do not see this type of support in favor of it. In fact, it seems only the Morrisons want this, yet the Mayor refuses to acknowledge her actions indicate her interests are more aligned with pleasing the Morrisons than listening to countless residents opposing the project.

4. Confidential Information. Gilbert is committed to maintaining an open and accessible government intended to engender trust and confidence from the public, while at the same time protecting confidential information as required or permitted by law.

The Mayors actions are the antithesis of behaviors which engender trust and confidence from the public.

4.2 Public Officials shall not use confidential, privileged or protected information to advance the financial or other private interest of himself or herself or others.

The information shared with the Mayor should be considered privileged because she would not have been able to obtain the intel if she was not the Mayor. She then took information and shared it with the Morrisons who are trying to get their amendment passed. Her efforts were undoubtedly helpful, at least to some extent, to their cause. Getting this approval is required for them to be able to meet the demands of the potential buyer of their land. Therefore, the Mayor used her position to obtain information, which she then disseminated to the opposing party in an move that arguably served to ‘advance the financial or other private interest of herself or others. Remember this is not the first time the Mayor has been wrapped up in taking campaign donations and then voting favorably for the applicant/donor.

<https://www.azcentral.com/story/opinion/op-ed/joannaallhands/2018/07/19/gilbert-town-council-jordan-ray-brigitte-peterson-return-city-gate-campaign-contributions/800072002/>

Code of Ethics Training. It is important that training be made available to Public Officials in order that the purposes of this Code of Ethics may be successfully implemented.

6.1 Training. Public Officials shall attend at least one training session per term regarding the regarding this policy.

Has Mayor Peterson Received this training and if so, please provide the date of training.

Exhibit P to Ethics Report and Recommendation

7.3 Interference with Duty to Disclose Violations. Public Officials shall never attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any person with the intent of interfering with that person's duty to disclose improper activity.

The Mayor never intimidated, threatened, coerced or commanded me to do anything, but I do feel she tried to influence me by calling me on 6/7/2021 to argue against my assertions and to tell me I am reading into things and making things up that aren't true. Again, she was very respectful and cordial, but clearly her call was prompted by my posting to facebook of her emails to the Morrisons, with the perceived intent of getting me to change my mind. She was very upset and we ended up arguing about this for almost 50 minutes. I do not feel it is appropriate for an elected official to approach a private citizen and confront them about releasing the result of a FOIA request that is potentially politically damaging.

Best Regards,

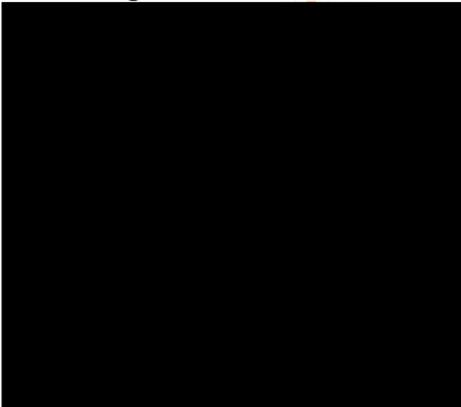


Exhibit Q to Ethics Report and Recommendation

Good evening, Chaveli,

I'd like to file a complaint against Mayor Brigitte Peterson due to what I believe are violations of the Town's Code of Ethics and the Town's Electronic Equipment and Services Policy. I believe that the Mayor has not acted in a professional matter when representing the Town and that she has shown an inability to be impartial and fair while actively discriminating against individuals while using services and equipment that are provided by the Town. For context, I would like to note that the Mayor has made it publicly known that she has "disdain" for the new logo and branding of the Town that was created by the Office of Digital Government, and I believe that she has taken action to discriminate against me as an individual and that she is fostering a toxic work environment with relation to the logo as a result of this "disdain". I have filed an internal complaint within HR to address some of these issues within the organization but I also feel that these actions warrant a public complaint about the Mayor's conduct within this group.

In 2018, I, as an employee of the Town of Gilbert, joined a Town-sponsored wellness group known as the "TOG Wheelers". This group is advertised within the Town's intranet as a Gilbert Wellness Group offered by the Town and administered by the Mayor using her Town-provided email address. Recently (and I am unsure when), the Mayor removed me from this Town-sponsored wellness group without any notification. As this is a Town-sponsored group, and members have publicly stated such within the group, the Mayor should not have been able to remove me and should not be able to withhold membership of any employee from the group, regardless of their status within the group. The Mayor has also approved membership in this group for non-employees and participated in discussions that are inappropriate for a public servant using Town resources.

I believe that the Mayor is using this group in violation of the Town's ethics policy and that my removal and the content of this group violates both the Ethics policy of the Town and the Electronic Services Policy. Specifically, I believe that, in conjunction with recent comments made during the latest Council Meeting, the Mayor is showing a pattern of discrimination and an inability to follow the Code of Conduct related to Section 5.4 of the Boards and Commission Handbook, Sections 1.x, 1.1, 2.4, 3.3, and 3.4 of the Code of Ethics (Policy Statement 2012-03), and Items 2, 3, 5, 6, and 8 of the Electronic Equipment and Services Policy (Policy Statement 2012-05). I've attached a PDF of the aforementioned documents with the relevant items highlighted.

I've attached screenshots of examples where the Mayor has used this Town Wellness group to disparage employees of the Town to other employees, where she has failed as an administrator of this group to remove and moderate inappropriate, sexist, and misogynistic content, and screenshots showing that she is an administrator along with messages that confirm that she determines membership of the group. I also believe that the Mayor is aware of this complaint and has taken steps to remove information from the group that may show that she is conducting herself in a manner that is not fitting for a public servant and a leader of the Town of Gilbert.

Please let me know what, if anything, I need to do to proceed with this complaint. As I'm still employed with the Town, please understand that I may not respond to requests for additional information until after normal working hours. If possible, I would like to keep my complaint anonymous for as long as possible unless an investigation or discovery of information requires me to make my identity known.

Exhibit Q to Ethics Report and Recommendation

Thank you,



Exhibit Q to Ethics Report and Recommendation

From: [Redacted]
To: [Redacted]
Subject: Complaint of Violation of Ethics and Electronic Equipment and Services Policy
Date: Wednesday, June 23, 2021, 10:57:55 AM
Attachments: [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Good evening, Chaeli

I'd like to file a complaint against Mayor Brigitte Peterson due to what I believe are violations of the Town's Code of Ethics and the Town's Electronic Equipment and Services Policy. I believe that the Mayor has not acted in a professional manner when representing the Town and that she has shown an inability to be impartial and fair while acting discriminatorily against individuals while using services and equipment that are provided by the Town. For context, I would like to note that the Mayor has made it publicly known that she has "disdain" for the new logo and branding of the Town that was created by the Office of Digital Government, and I believe that she has taken action to discriminate against me as an individual and that she is fostering a toxic work environment with relation to the logo as a result of this "disdain". I have filed an internal complaint within HR to address some of these issues within the organization but I also feel that these actions warrant a public complaint about the Mayor's conduct within this group.

In 2018, I, as an employee of the Town of Gilbert, joined a Town-sponsored wellness group known as the "TOG Wheelers". This group is administered within the Town's Intranet as a Gilbert Wellness Group offered by the Town and administered by the Mayor using her Town-provided email address. Recently (and I am unsure when) the Mayor removed me from this Town-sponsored wellness group without any notification. As this is a Town-sponsored group and members have publicly stated within the group, the Mayor should not have been able to remove me and should not be able to withhold membership of any employee from the group, regardless of their status within the group. The Mayor has also approved membership in this group for non-employees and participated in discussions that are inappropriate for a public servant using Town resources.

I believe that the Mayor is using this group in violation of the Town's ethics policy and that my removal and the content of this group isolates both the Ethics Policy of the Town and the Electronic Services Policy. Specifically, I believe that in conjunction with recent comments made during the latest Council Meeting, the Mayor is showing a pattern of discrimination and an inability to follow the Code of Conduct related to Section 5. of the Boards and Commission Handbook, Sections 1.a, 1.1, 2., 3.3 and 3. of the Code of Ethics (Policy Statement 2012-03) and Items 2, 3, 5, 6 and 8 of the Electronic Equipment and Services Policy (Policy Statement 2012-05). I have attached a PDF of the aforementioned documents with the relevant items highlighted.

I have attached screenshots of examples where the Mayor has used this Town Wellness group to disparage employees of the Town to other employees where she has failed as an administrator of this group to remove and moderate inappropriate, sexist, and misogynistic content, and screenshots showing that she is an administrator along with messages that confirm that she denies membership of the group. I also believe that the Mayor is aware of this complaint and has taken steps to remove information from the group that may show that she is conducting herself in a manner that is not fitting for a public servant and a leader of the Town of Gilbert.

Please let me know what, if anything, I need to do to proceed with this complaint. As I'm still employed with the Town, please understand that I may not respond to requests for additional information until after normal working hours. If possible, I would like to keep my complaint anonymous for as long as possible unless an investigation or discovery of information requires me to make my identity known.

Thank you

Human Resources
gilbert Gilbert Wellness
Search this site
Wellness Home
Wellness Event Calendar
Wellness Event Replay
Wellness in Action
Wellness Champion Team
Gilbert Groups and Clubs
COVID-19 Information

Gilbert Groups and Clubs

TOG Wheelers

This is a family friendly group who love to get together with other 4x4 enthusiasts made up of past and present Town of Gilbert employees. We share the love of the outdoors, building camaraderie and sharing vehicle tips and tricks.

Group Point of Contact: Brigitte Peterson
Brigitte.Peterson@gilbertaz.gov
Cell: 480-215-6214

How to join: Come to a meeting or join us on a ride. Reach out to Brigitte Peterson or any member for information. Current members are welcome to bring in new members.

Monthly Meeting: 2nd Wednesday each month at different Gilbert restaurants

TOG Wheelers Club Group

Private group · 91 members

Your membership is pending
You'll be notified if your request to join is approved.

About Discussion Cancel Request

Related Groups

- 6 Wheel Syndicate
14K members · 5 posts a day
- Summit City Wheelers
1.7K members · 10 posts a day
- Sunset

Exhibit Q to Ethics Report and Recommendation

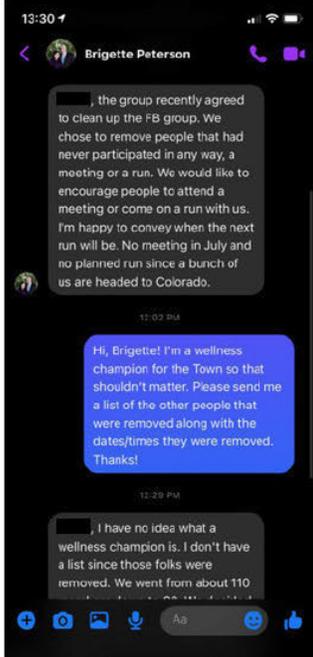
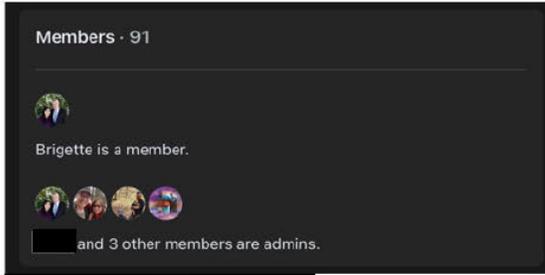


Exhibit Q to Ethics Report and Recommendation



Exhibit Q to Ethics Report and Recommendation

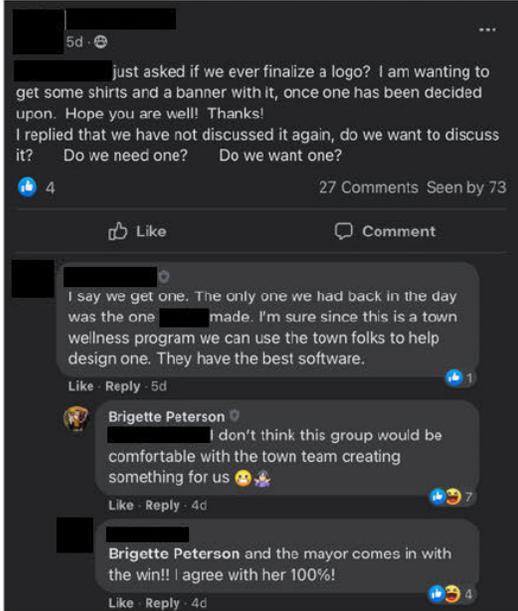


Exhibit Q to Ethics Report and Recommendation

Gilbert adopted the following practices to comply with these requirements. These practices provide consistency between the Council and Boards, Commissions, and Committees so the public can readily access information.

- Post, or assign staff, to post all agendas *at least 24 hours before any meeting* at Gilbert's two official posting locations: *Gilbert Municipal Center and the Town of Gilbert website*;
- Post draft minutes to the Gilbert website within three (3) working days of a meeting. The draft minutes contain all legal actions taken. In limited cases, actions are posted in lieu of draft minutes.
- Provide signed minutes to the Clerk immediately following approval to allow for posting minutes to the Gilbert website within two (2) working days of approval.
- Maintain draft minutes, actions, and approved minutes on the Gilbert website for at least one year after posted.

5.4 Conduct

Board, Commission, or Committee members are representatives of the Town. *The following information serves as a guide to Board, Commission, or Committee members when acting as a representative of the Town:*

- Act in a professional manner at meetings when representing the Town, even when diverse ideas and opinions are presented.
- Be aware that opinions publicly expressed (to the public, press, stakeholders, etc.) by an individual member reflects only the individual's view and may not be represented as a Board, Commission, or Committee statement or position without public posting and opportunity for approval by all Board, Commission, or Committee members.
- Never use your position or information in the performance of duty as a means for making private profit or advancing the financial interest of others.
- Never discriminate unfairly by dispensing special favors or privileges to anyone, whether or not for payment.
- Never accept gifts or benefits that could be construed by reasonable persons as influencing the performance of official duties. *Any gifts accepted must be reported in accordance with Policy Statement 2012-03 Code of Ethics (Appendix D).*
- Exercise caution to avoid statements being construed as promises or binding upon the duties of office.
- Avoid negotiations entered into by the Town involving the purchase or sale to the Town of land, goods, or materials while acting in the capacity of a public official. In

Exhibit Q to Ethics Report and Recommendation

EXHIBIT “C”

TOWN OF GILBERT POLICY HANDBOOK FOR PUBLIC OFFICIALS

GUIDELINES FOR PUBLIC OFFICIALS

Being a public official can be a very challenging and rewarding experience. There are few ways to contribute more to good government and good community development. The people have put their trust in you. You have both an opportunity and a responsibility to hold that trust sacred.

Elected and appointed public officials of the Town must be ethical in official business where there may be a conflict of interest. The following information is provided as a guide against which Council members and Commissioners/Board members may measure their actions.

Never use information received in the performance of duty as a means for making private profit or advancing the financial interest of others.

Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not.

Do not accept gifts or benefits which could be construed by reasonable persons as influencing the performance of official duties.

Exercise caution so that a statement cannot be construed as a promise which would be binding upon the duties of office, inasmuch as private word can be binding on public duty.

Avoid negotiations entered into by the Town involving sale of land, goods or materials while acting in the capacity of a public official. In the event this occurs, certain guidelines must be observed.

CODE OF ETHICS FOR PUBLIC OFFICIALS

The proper operation of municipal government requires that public officials be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure, and that public office not be used for personal gain.

RESPONSIBILITIES OF PUBLIC OFFICE

Public officials are bound to uphold the Constitution of the United States and the Constitution of the State of Arizona and to carry out the laws of the nation, state and municipality. Public officials are bound to observe in their official acts high standards of morality and to discharge faithfully the duties of their offices regardless of personal considerations, recognizing that the public interests must be their primary concern, and that conduct in their official and private affairs should be above reproach.

DEDICATED SERVICE

Public officials should not exceed their authority or breach the law or ask others to do so. They should work in full cooperation with other public officials and employees unless prohibited from so doing by law or officially recognized confidentiality of their work.

Exhibit Q to Ethics Report and Recommendation

FAIR AND EQUAL TREATMENT

Preferential consideration of the request or petition of any individual citizen, or groups of citizens, should not be given. No person should receive special advantages beyond that which are available to any other citizen.

USE OF PUBLIC PROPERTY

No official shall request or permit the use of Town owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally, or are provided as municipal policy for the use of such official in the conduct of official business. No public official shall use the time of any Town employee during working hours for personal convenience or profit.

OBLIGATIONS TO CITIZENS

No public official in the course of official duties shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen in the same circumstances.

Exhibit Q to Ethics Report and Recommendation

POLICY STATEMENT NO. 2012-03

SUBJECT: Code of Ethics

DATE: August 2, 2012

POLICY STATEMENT

SUBJECT: Code of Ethics for Members of the Town Council and Boards, Commissions and Committees

PURPOSE AND ETHICS STATEMENT

The Town of Gilbert is a clean, safe and vibrant community that values trust, honesty, personal responsibility, professionalism, service and accountability. Members of the Town Council and its boards, commissions and committees ("Public Officials") have an obligation to the residents of Gilbert, its customers and its partners to uphold the highest standard of ethics.

The purpose of this Code of Ethics is to establish standards of conduct for Gilbert's Public Officials in order to maintain public confidence in the integrity of Gilbert's Public Officials and to instill public trust through the actions, words and deeds of Gilbert's Public Officials. The requirements of this Code of Ethics are in addition to and are intended to complement the requirements of State law governing conduct of Public Officials.

POLICY

1. ***Responsibilities of Public Service.*** Recognizing the special responsibilities of serving Gilbert and its citizens and customers, Public Officials shall maintain the highest standards of integrity and honesty and shall treat all members of the public and fellow colleagues with respect, courtesy, concern and responsiveness.
 - 1.1 **Fairness and Respect.** All issues and citizens shall be handled with fairness, impartiality and respect. Public Officials have an obligation to treat all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting, by having an open mind on issues presented, and by being willing to listen to different points of view.
 - 1.2 **Meeting Attendance.** It is the responsibility of Councilmembers to attend Council meetings and the responsibility of other Public Officials to attend meetings of their respective board, commission or committee to which they have been appointed in order to fairly conduct the business of Gilbert. It is also the responsibility of Public Officials who have been appointed as voting members representing Gilbert on other boards, commissions or committees to attend meetings of those boards, commissions or

Exhibit Q to Ethics Report and Recommendation

committees. Absence from meetings should be avoided if at all reasonably possible.

- 1.3 Abstaining from Voting. A Public Official should not abstain from voting on a matter before his or her Public Body unless he or she has a conflict of interest or believes he or she may have a conflict of interest or a personal interest as set forth in Paragraph 3.4.
2. **Open Meeting Law.** The intent of the open meeting law is to assure that government is transparent and that the public's business is conducted in public.
 - 2.1 Compliance with Open Meeting Law. Public Officials shall comply with the open meeting law of the State of Arizona and shall not attempt to circumvent the requirements of the open meeting law.
 - 2.2 Polling. Practices such as polling individual members to reach a decision outside a public meeting is prohibited.
 - 2.3 Serial Meetings. A discussion among less than a quorum may lead to a violation of the open meeting law if eventually a quorum is involved in the discussion. This is a violation of the open meeting law and is prohibited. For example, if three members of the Council discuss a matter that is before the Council or may come before the Council for discussion or action, and one of those members discusses the matter with another member of the Council, a serial meeting has been held without notice and agenda required by the open meeting law. Serial meetings may occur through telephone conversations, written correspondence, e-mail or other means of communications about a matter of Town business.
 - 2.4 Use of Staff or Others. Use of Gilbert's staff or others to promote discussion among other members of the Public Body to circumvent the purposes of the open meeting law is prohibited.
 - 2.5 Open Meeting Law Violations. Notwithstanding the reporting process set forth in paragraph 7.4, reports of violations of the open meeting law may be made directly to the Attorney General's office or the County Attorney's office.
3. **Conflicts of Interest.** The purpose of the conflict of interest laws is to prevent self-dealing by Public Officials and to remove or limit any improper influence which might bear on a Public Official's decision. A conflict of interest occurs when (i) a Public Official or a relative of the Public Official has a pecuniary interest in a matter that may come before the Public Body during the Public Official's term of office on which the Public Official sits and that interest is not a remote interest as defined in ARS Section 38-502(10), or (ii) or when the Public Official has an interest that results in the Public Official not being able to act

Exhibit Q to Ethics Report and Recommendation

impartially on a matter before the Public Body. "Relative" means the spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse.

- 3.1 Compliance with Conflict of Interest Laws. Public Officials shall comply with the conflict of interest laws of Arizona. If a Public Official is not sure he or she has a conflict of interest on a matter before the Public Body of which the Public Official is a member, the Town Attorney should be contacted. Requests related to conflicts of interest are confidential; however, official opinions of the Town Attorney are required by law to be a public record.
 - 3.2 Disclosure of Conflict of Interest. If a Public Official has a conflict of interest, he or she shall disclose that fact as soon as possible by filing a statement with the Town Clerk setting forth the nature of the conflict of interest. The Public Official shall not participate in any manner as a Public Official in the matter.
 - 3.3 Loyalty. Public Officials have an obligation to put the interest of Gilbert over personal considerations and to make the public's interest their primary concern.
 - 3.4 Personal Interests. Occasionally a Public Official may find that he or she has a personal interest in a matter, even though a conflict of interest would not exist under the conflict of interest laws. Public Officials are encouraged to adhere to strongly held ethical values which are exercised in good faith and to refrain from discussing or voting on a matter if he or she believes the personal interest precludes making a fair and impartial decision.
 - 3.5 Gifts. Public Officials shall disclose in writing to the Town Clerk any (i) gift, benefit or favor received with a value in excess of \$50.00 or (ii) any gifts, benefits or favors with a combined value in excess of \$50.00 within a six month period, from a person with a financial interest in business with the Town or in a matter which may come before the Public Body. The written disclosure shall be made within two (2) business days of receipt of the gift, benefit or favor or multiple gifts, benefits or favors totalling \$50.00 in value within a six month period. If the gift is donated to Gilbert or a bona fide charity, it does not have to be disclosed; provided however, that the gift is donated immediately upon receipt.
4. **Confidential Information.** Gilbert is committed to maintaining an open and accessible government intended to engender trust and confidence from the public, while at the same time protecting confidential information as required or permitted by law.

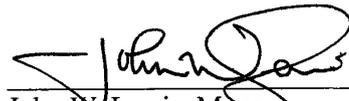
Exhibit Q to Ethics Report and Recommendation

- 4.1 Disclosure of Confidential Information. Public Officials shall not disclose confidential, privileged or protected information, unless authorized by the majority vote of a quorum of the Council or is required by law to do so.
- 4.2 Public Officials shall not use confidential, privileged or protected information to advance the financial or other private interest of himself or herself or others.
5. ***Town Council Relations with other Public Bodies and Agencies.*** The Town Council may attend meetings of other Public Bodies of Gilbert or other governmental agencies. Individual Councilmembers shall accurately describe the positions of Gilbert to such Public Bodies and governmental agencies.
6. ***Code of Ethics Training.*** It is important that training be made available to Public Officials in order that the purposes of this Code of Ethics may be successfully implemented.
 - 6.1 Training. Public Officials shall attend at least one training session per term regarding the regarding this policy.
7. ***Procedures.*** It is important that procedures for reporting violations of this Code of Ethics be clearly understood and followed.
 - 7.1 Questions. Questions about this Code of Ethics, a conflict of interest, or other ethical problem should be presented to the Town Attorney's office. If time permits, requests should be in writing to the Town Attorney. If the ethical issue arises during a meeting, rather than risk an inadvertent violation of the law, the safest course of action is simply to declare that a conflict may exist that prevents the Public Official from participating.
 - 7.2 Obligation to Report Violations. Public Officials have a duty to report if another Public Official is violating laws or this Code of Ethics.
 - 7.3 Interference with Duty to Disclose Violations. Public Officials shall never attempt to use their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any person with the intent of interfering with that person's duty to disclose improper activity.
 - 7.4 Reporting Process. Reports of alleged violations of this Code of Ethics shall be made to the Town Clerk, whether such report is by a member of the public, an employee or a Public Official. Upon receipt of an alleged violation, the Town Clerk shall forward a copy to the members of the Public Body and to the Town Attorney. The Town Attorney shall either prepare a recommendation to the Public Body or request an independent investigation. Recommendations of the Town Attorney or the independent

Exhibit Q to Ethics Report and Recommendation

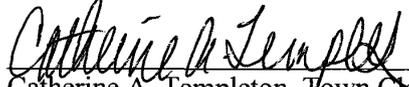
investigator shall be filed with the Town Clerk. The Town Clerk may place the matter on a Council agenda for action by the Council.

8. **Enforcement.** The Council intends that violations of this Code of Ethics be treated fairly and expeditiously.
 - 8.1 **Council Action.** The Council shall review the report and the recommendation at a regular or special Council meeting. The report and the recommendation shall be a public record. If the Council determines that a Code of Ethics violation has occurred, the Council may impose penalties in accordance with Paragraph 8.2.
 - 8.2 **Penalties.** It is the intent of the Council to educate, and where necessary, discipline Public Officials who violate this Code of Ethics. In addition to other penalties provided by law, the members of a Public Body may vote to censure another member who violates this Code of Ethics, provided that (i) the member who may be censured shall not vote on the matter but may explain his or her actions, and (ii) censure shall require a vote of five (5) members of the Public body. This paragraph does not prevent informal resolution of minor infractions, such as immediate corrective action of the alleged misconduct.



John W. Lewis, Mayor

ATTEST:



Catherine A. Templeton, Town Clerk

Exhibit Q to Ethics Report and Recommendation

POLICY STATEMENT NO. 2012-05

SUBJECT: Electronic Equipment and Services Policy

DATE: August 2, 2012

POLICY STATEMENT

SUBJECT: Electronic Equipment and Services Policy for Elected and Appointed Officials and Members of Boards, Commissions and Committees
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WHEREAS, the Town of Gilbert ("Town") provides electronic equipment and services to elected and appointed officials and members of Town boards, commissions and committees ("Users") for the purpose of performing Town work efficiently and effectively; and

WHEREAS, use of electronic equipment and services will assist "Users" in the efficient performance of their public duties and thereby improve service to the public; and

WHEREAS, the Town Council desires to outline procedures which set forth the conditions for use of electronic equipment and services by Users.

NOW, THEREFORE, the following policy is hereby established:

1. Each User shall comply with this policy when using electronic equipment and services provided to such User.
2. Each User shall use a Town issued email account when electronic equipment or services require the creation of user accounts (iTunes accounts, Drop Box accounts, etc.) that will be used to send official Town documents, including without limitation Town Council agendas, staff reports, and the like.
3. Electronic equipment and services provided by the Town are tools for conducting Town business. The use of such tools will be solely for Town related purposes, such as, to review Council, Board and Commission agenda materials, research relevant topics, obtain useful information for Town related business, and conduct business communications as appropriate. All of the Town's computer systems, including electronic equipment and services provided to Users, are public property. All documents, files, and email messages are subject to the Arizona Public Records Law, and are considered the property of the Town of Gilbert. Users shall comply with Town procedures on preservation and retention of public records when using Town issued electronic equipment and services.
4. Users shall comply with the copyrights, software license provisions, and property rights of the Town. All existing Town policies will continue to apply to use of the Internet and to use of E-mail, including but not limited to those that deal with misuse of Town resources, sexual harassment, information and data security, and confidentiality.
5. Electronic equipment and services activity will be traceable to the Town of Gilbert and will impact the reputation of the Town. Users shall refrain from making any false or defamatory statements in any Internet forum and from committing any other acts which could expose the

Exhibit Q to Ethics Report and Recommendation

Town to liability. Users shall not download files from sources which may be untrustworthy nor shall Users open and read files attached to E-mail transmissions unless they originate from a trustworthy source. Downloaded files and attachments may contain viruses or hostile applications that could damage the Town's systems. Users will be held accountable for any breaches of security caused by files obtained for non-business purposes.

6. There is no expectation of privacy with respect to the use of electronic equipment and services. The Town reserves the right to inspect all files stored on electronic equipment or monitor provided services in order to assure compliance with this policy. Users do not have any privacy right in any matter created, received, stored in, or sent from or with any Town electronic equipment or services and the Town Manager may institute appropriate practices and procedures to assure compliance with this policy.

7. Users shall not download any application, or software to electronic equipment that are not for the sole purpose of conducting Town business. Electronic equipment will be equipped and periodically updated with such applications and software as may be reasonably necessary and appropriate to perform Town related duties. Any software or data (E-mail messages, files, etc.) downloaded via the Internet into the Town systems become the property of the Town, and may only be used in ways that are consistent with licenses or copyrights.

8. Users shall not send any messages of an obscene, libelous, vulgar, or defamatory nature. Users shall not use any messaging service during any Town meeting and Users will not use the iPad in any way that might violate the Open Meeting Law.

9. Users shall not use the electronic equipment or services for operating a business for personal gain, sending chain letters, soliciting money for religious or political causes, or any other purpose that does not relate to Town business activities.

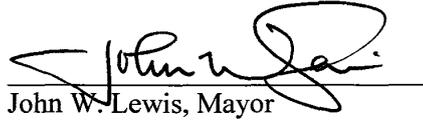
10. Users shall not use the electronic equipment and services to deliberately propagate any virus or other hostile computer program or file, to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

11. In using the electronic equipment and services, Users shall identify themselves honestly, accurately, and completely at all times.

12. Users shall return their electronic equipment to the Mayor / Council Assistant, Secretary of the Board or staff liaison when their term and service for the Town of Gilbert has ended or upon request by the Town Manager. The electronic equipment will be wiped clean of any and all information upon return of the electronic equipment to the Mayor/Council Assistant, Secretary of the Board or staff liaison.

Exhibit Q to Ethics Report and Recommendation

13. Users shall notify the Town's Office of Information Technology help desk immediately in the event that electronic equipment is lost or stolen so appropriate action can be taken to protect the Town's information and services.


John W. Lewis, Mayor

ATTEST:

Catherine A. Templeton, Town Clerk

Exhibit R to Ethics Report and Recommendation

Chris Payne,

Follow up and additional information to the [REDACTED] complaint.

Post provided in the violation was a screenshot taken within 13 hours of this original posting from May 6, 2020. Brigette Peterson was not a town employee at the time of this post and finds it troubling that [REDACTED] was taking screenshots and holding them for over a year. If he had an issue with the post it should have been reported at the time?



Exhibit R to Ethics Report and Recommendation

Posts by private FB group members are not moderated by the 4 administrators. Members of this private FB group can post themselves.

Manage Discussion

Who Can Post
Anyone in the group 

Approve All Member Posts
Off 

██████████ claims that Brigette Peterson removed him from the private FB group, he was removed on April 19, 2021 by ██████████ – 1 of the 4 administrators.

██████████ removed ██████████ from the group.
Apr 19, 2021, 2:47 PM

On April 20, 2021 - Brigette Peterson made Town Manager Patrick Banger aware that Mr ██████████ was removed from the private FB group by ██████████. These 2 moderators had been made aware that ██████████ was telling team members that he was spying in the private FB group and sharing information with his director.

Brigette Peterson didn't share with members of the private FB group that ██████████ was removed or that he was said to be telling people he was spying. She did not want the other private FB group members to treat ██████████ any differently knowing he was said to be sharing comments from this private FB group.

On June 15, 2021 ██████████ asked to rejoin the private FB group and ██████████ (1 of the 4 administrators) readmitted him. ██████████ probably wasn't aware ██████████ had been a member of the private FB group since he has never posted anything to the group, commented on any posts, been to a meeting or on a run or that he had been removed in April 2021 by ██████████. Brigette Peterson removed ██████████ within 5 hours due to him having already been removed from the private FB group in April. ██████████ didn't know the circumstances of removal because that hadn't been shared outside of ██████████, Brigette Peterson, ██████████ and Patrick Banger.

Exhibit R to Ethics Report and Recommendation

The screenshot shows two activity items from a Facebook group. The first item, dated June 16, 2021, at 12:22 AM, shows a profile picture of Brigette Peterson and the text "Brigette Peterson removed [redacted] from the group." Below the text are two buttons: "Add Note" and "Undo". The second item, dated June 15, 2021, at 7:35 PM, shows a profile picture of a redacted user and the text "[redacted] approved [redacted]'s request to join the group." Below the text is a button labeled "See Details".

Brigette Peterson serves as one of the private FB group administrators under her personal FB page. That personal FB page is connected to her personal email address. Brigette has never been in this group as the "Mayor" or under my @gilbertaz.gov email address.

General Account Settings

Name	Brigette Peterson	Edit
Username	https://www.facebook.com/bridgettedp	Edit
Contact	Primary: bdp1061@gmail.com	Edit

Brigette Peterson's @gilbertaz.gov email address was used on the Town of Gilbert Intranet page for any employees that might have questions about the Gilbert Wellness TOG Wheelers group. Wellness Coordinator Erica Brown reached out to Brigette Peterson for contact information for the Intranet and never advised that using a town email address would be inappropriate.

In February 2021, during a Gilbert Wellness TOG Wheelers meeting, a question was raised about removing members from the 4-wheeling group and the private FB group. Brigette Peterson arranged a meeting and met with Town of Gilbert People Team Director Nathan Williams and Wellness Coordinator Erica Brown to discuss Gilbert Wellness groups and some guidelines.

This was announced in the private FB group and discussed by the members in attendance at the March Gilbert Wellness TOG Wheelers meeting.

Exhibit R to Ethics Report and Recommendation

 **Brigette Peterson**
Admin · March 8 · 🌐

REMINDER: Group meeting for employee members - we will be discussing some group guidelines such as:

- ✓ Who will be allowed as members of the FB group - suggestion is only past/present TOG employees and family members
- ✓ How to handle allowing and removing members of the FB group - when someone leaves the towns employment under sensitive circumstances
- ✓ Clarifying some group rules - such as when on club rides nobody is on town time, town isn't responsible for any damage or injuries (how to handle)



10
WEDNESDAY AT 6 PM MST
March 2021 Group Meeting
Free · 900 E Juniper Ave, Gilbert, AZ 85234-4714, United States

The group discussion included removing many members of the private FB group for many different reasons and delineation of the Gilbert Wellness TOG Wheelers group; meeting in person and going on 4-wheeling runs and the private FB group.

As a point of history, this private FB page was started many years ago by a member of the Gilbert Police Department. The private FB page was offered as an external communication method for sharing photos, events, etc. At that time, the private FB page was converted to a private FB group.

Brigette Peterson subsequently posted the following guidelines as we waited for a waiver to be completed and supplied by the Town of Gilbert People Team. It had been discussed to finalize the guidelines once the waiver was received.

In the meantime, the process of cleaning up members of the private FB group started. We have removed approximately 20 members during that process. We are still actively evaluating guidelines and membership to the Gilbert Wellness TOG Wheeler group and the private FB group.



TOG Club Guidelines

 BRIGETTE PETERSON · THURSDAY, MARCH 11, 2021 · 🌐

Club Membership – Current and past Town of Gilbert employees (left in good standing).
Good standing can include: retired, resigned and considered for rehire.

FB Group Membership– Club members and immediate family members

Monthly meetings – all club members and FB group members are welcome

Club runs – members, family and friends are welcome

More to come on a liability form:

Town is looking at creating a liability form that will protect the Town, members and group leadership from any potential legal issues.

If there is a question about an employee that separates from the Town, group leadership (Brigette Peterson for now) can check with “The People Team” to verify the employee has left in good standing. Every case can be evaluated individually. Leadership will still observe HR rules and information on separation will not be requested just verified employee left in good standing.

Created: 3/11/2021

No modifications or deletions of content of the private FB group have been made by Brigette Peterson, as alleged in [REDACTED].

Exhibit R to Ethics Report and Recommendation

In regards to the statements about the logo made in public as the Mayor of Gilbert, Brigette Peterson, shared her personal beliefs about the logo itself, feels she is representing the at least 100 residents, business owners, elected officials and community members that reached out to her directly and the thousands of comments she has read on other social media means about the logo. Not once in those public comments has she directly disparaged a specific team or persons work. It has always been about the logo itself.

Brigette Peterson
Sent on June 29, 2021

Exhibit S to Ethics Report and Recommendation

I, [REDACTED], do hereby formally submit the following formal complaint against the Gilbert Mayor, Brigitte Peterson. Specifically, it is my sincere belief that the Mayor violated sections 1.1, 2.4 and 3.3, which relate to 'Fairness and Respect,' 'Use of Staff or Others,' and 'Loyalty,' respectively (See Exhibit A).

Background:

At and prior to the Gilbert Town Council meeting held on August 3rd 2021, the Mayor engaged in conduct unbecoming to her public office. During the meeting, the Mayor opened to Public Hearing Item 30 from the Agenda Packet and the chain of events has been described in the minutes, which are available for your review (See Exhibit B).

Chris Payne had submitted a memo recommending a motion to amend the town ordinance involving the regulation of communications from citizens during public meetings as well as procedures for applicants for proposals brought before the council (See Exhibit C). The red-lined version showing the proposed changes is also available for your review (See Exhibit D).

Summary of Amendments the Mayor attempted to have passed Changes:

1. Change the limit of 3 minutes each resident is allowed to address the council to "a duration determined by the mayor"---which could effectively restrict the ability of the citizens to express their concerns to their elected officials if she were to reduce the duration or even silence the citizens completely if she were to select a duration of 0 minutes.
2. Strip council of their ability to extend time for an individual to speak and hand that power over to the mayor.
3. Total time for ALL citizens to speak is 15 minutes, which would mean only 5 people would be afforded the opportunity to speak.
4. Strip council of their ability to extend the 15 minute limit for all speakers combined (regardless of whether or not those speakers are discussing similar items). There could be 7 speakers, with 7 unique concerns about completely unrelated topics and only 5 of them would be permitted to speak. The proposed amendment would make it so only the Mayor could extend the total time limit beyond 15 minutes.
5. Special meetings to be posted in just 1 public place instead of at least 3 public places.
6. For public hearings, the mayor is no longer required to ask if the applicant has a presentation and may therefore block that person from arguing their case before the council in that manner.
7. The mayor would gain the power to limit the duration of any presentation (if she allowed it in the first place) to any amount of time she sees fit. Even 3 seconds. Or ZERO seconds.
8. If the people opposing an applicant's proposal (i.e. people opposing apartments) wish to speak, the mayor can group you all together (at her sole discretion) if she feels your concerns are related and force you to select a representative to express your views.
9. The mayor would have the right to limit the amount of time that the group spokesperson could speak. Even 3 seconds.
10. Strip council of their ability to designate the time at which residents can address the council. The mayor would have to power to unilaterally move the communications from citizens section to the very END of the meeting. With most working families (especially those with children), this would make it much more burdensome because this part of the meeting would be much later into the night and much less predictable for the citizens. Moreover, this would mean that the council would conduct its business and make decisions FIRST and THEN hear input from the residents when it would theoretically be too late.

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Allegation 1:

For the following reasons, the Mayor violated the section 1.1 of the Town of Gilbert Ethics Code, which reads:

“Public Officials have an obligation to treat all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting by having an open mind on issues presented, and by being willing to listen to different points of view”:

1. Introducing (or causing to be introduced) an amendment that would require the council to abdicate their responsibility, as elected officials, to promote/facilitate open lines of communication with the very citizens whom elected them is **unfair** to the citizens because it disallows the officials they elected from doing part of the job they were elected to perform and transfers it to just one person (the mayor) who the citizens did not grant elect to serve in the role of the other 6 members of that council.
2. The Mayor proposed revisions that are not consistent with the ethical code requirement to **‘treat all citizens fairly.’** In the case of 6 speakers, only the first 5 citizens would be allowed to speak. This would disenfranchise that 6th speaker, which is not treating all citizens fairly. The mayor supported language that would allow her to deny an applicant the opportunity to provide a presentation about their proposal publicly. This is unfair to the citizens because it makes it difficult if not impossible for the public to better understand the issues. It is unfair to the applicant because he/she could potentially be disallowed by the mayor to argue their case with props/photos/figures. This could mean projects getting approved that otherwise may not have been or vice versa.
3. The Mayor proposed revisions that are not consistent with the ethical code requirement of **“dividing time reasonably among potential speakers on an issue at a public hearing or meeting.”** The Mayor supported language which would technically allow her to restrict time for individuals to speak to any duration, even a duration of zero, which is unreasonable. She also supported language that would allow her to block any additional speakers once the 15 minutes aggregate limit were surpassed. She supported language that would allow her to unilaterally reduce that 15 minute limit to any duration of her choosing, which if reduced, would unfairly restrict/divide time among potential speakers.
4. The Mayor proposed revisions that are not consistent with the ethical code requirement of **“having an open mind on issues presented, and by being willing to listen to different points of view.”** The Mayor made suggestions (or caused suggestions to be made) which include multiple amendments to the ordinance that could restrict (or allow to be restricted) the public from communicating their viewpoints to their elected officials. Arguably, this is NOT consistent with **“having an open mind”** and being **“willing to listen to different points of view”** because the proposed changes are written such that the Mayor would gain the power to block those different points of view from ever even being heard. This would force the council to make decisions without the current open flow of communication we currently enjoy.

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Allegation 2:

For the following reasons, the Mayor violated the section 3.3 of the Town of Gilbert Ethics Code, which reads:

“Loyalty. Public Officials have an obligation to put the interest of Gilbert over personal considerations and to make the public's interest their primary concern.”

1. Simply put, NO amendments the Mayor attempted to make (or cause to be made) are consistent with meeting her ethical obligation to ‘make the public’s [sic] interest their primary concern.’ The Mayor took lots of heat from citizens during the previous council meeting. Her actions have prompted escalation with citizens since then and she therefore had reason to believe she would be publicly challenged at the next and future meetings beyond that. The timing of this amendment is highly suspect in that it would allow the Mayor to stop the public from publicly challenging her. This move puts HER OWN interests as her primary concern, not those of the public.

Allegation 3:

For the following reasons, the Mayor violated the section 1.0 of the Town of Gilbert Ethics Code, which reads:

Responsibilities of Public Service. Recognizing the special responsibilities of serving Gilbert and its citizens and customers, Public Officials shall maintain the highest standards of **integrity and honesty** and shall **treat all members of the public and fellow colleagues with respect, courtesy, concern and responsiveness.**

The Mayor failed to meet reasonable standards of **integrity and honesty** in several instances by knowingly and willingly attempting to mislead the public and her fellow councilmembers either by acts of omission, deception and outright lies:

- a) The Mayor introduced (or caused to be introduced) language to amend the current ordinance regulating the communication from citizens section of council meetings by putting it (or causing it to be put) on the CONSENT AGENDA for approval and passage. She deliberately chose NOT to have the item go to study session, a process with which she is very familiar, and instead, had it on placed for approval. It was not until she saw the uproar from the public and her fellow councilmembers that she changed her story. She stated that her intent was just to have a discussion, to start the conversation. If this was her purpose, why not put it to study session?
- b) The Mayor deceived the public by not listing herself as a sponsor, even though, according to the Town Attorney, she was the one to initiate the proposed amendments to the ordinance. She even had the Town Attorney write a memo, so it would appear as if it was coming from him. This document states that the Town Attorney recommends the change. It came from the Mayor though, so this was disingenuous and cause confusion among the public as to who was the one actually proposing the change. If it weren’t for Councilmember Hendrix investigating the issue and asking the Town Attorney why he did this, we would not have known that it was because the Mayor put him up to it.
- c) The Mayor stated she decided to look into the issue in the first place, because another councilmember and multiple citizens came to her with concerns. We have asked her to substantiate that claim and provide the name of the councilmember as well as documentation

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substantiating, she did in fact have multiple citizens contact her about the issue. The Mayor has plenty of personal motive to try and block public opposition and it seems highly unlikely, not to mention greatly convenient that the Mayor would just be responding to the public concern on this issue. When the Town Attorney was asked by Councilmember Hendrix if there had been any problems or complaints in the past with the 36 year old ordinance, he indicated that the answer was no.

- d) The Mayor had this amendment proposal at the end of a 743 page agenda packet, which is curious, since it would be so convenient if certain members of the council and/or the public were to not quite get through the whole packet, her proposal would be at the very end where it is less likely to be seen or read.
- e) The Mayor stated that she likes to follow rules, yet seems not to, for example, no official motion was made to deal with the item. It was never officially tabled, passed, denied.

Exhibit A

For Reference (Relevant section excerpted from Gilbert Policy Statement 12-03):

1. ***Responsibilities of Public Service.*** Recognizing the special responsibilities of serving Gilbert and its citizens and customers, Public Officials shall maintain the highest standards of integrity and honesty and shall treat all members of the public and fellow colleagues with respect, courtesy, concern and responsiveness.

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1.1 Fairness and Respect. All issues and citizens shall be handled with fairness, impartiality and respect. Public Officials have an obligation to treat all citizens fairly, such as by dividing time reasonably among potential speakers on an issue at a public hearing or meeting, by having an open mind on issues presented, and by being willing to listen to different points of view.

3.3 Loyalty. Public Officials have an obligation to put the interest of Gilbert over personal considerations and to make the public's interest their primary concern.

Exhibit B:

Excerpted from the minutes published by the Town of Gilbert.

30. CODE OF GILBERT - conduct hearing and consider adoption of an Ordinance amending the Code of Gilbert, Arizona, by amending Chapter 1 General Provisions, Article II Mayor and Council, Division 3 Rules of Order and Procedure, Sections 1-86 Regular Meetings; Study Sessions, 1-87 Special Meetings, 1-92 Order of Business, 1-95 Addressing the Council, and 1-96 Disruption of Meeting; Penalty; and providing for repeal of conflicting ordinance

Mayor Peterson opened the Public Hearing for Item 30.

Town Attorney Chris Payne summarized the item. He explained that the Ordinance would propose changes to the Code to correct any inconsistencies within the sections.

Mayor Peterson explained the topic was brought to the Council's attention when some members of the public reached out to her about Communication from Citizens. After reviewing the Code, she discovered that

Exhibit S to Ethics Report and Recommendation

the Council had not been following the ordinance the way it was written in the Code. She gave examples of some of the changes that the ordinance would propose.

Councilmember Tilque reaffirmed the Town Code needed to be reviewed. She recommended the wording in the Code be clarified to address concerns the citizens may have over the Council's engagement in the process of the Public Hearing.

Councilmember Hendrix stated the public comments should precede the Council discussions at Council meetings in order to follow Robert's Rules of Order.

██████████, Gilbert resident, discussed the changes related to the three-minute rule in the public meeting process. She stated it was extremely difficult to communicate in front of the Council when you are limited to three minutes. She stated limiting citizen input might have unattended consequences. She asked for the Council to reconsider the Ordinance and for the three-minute rule to stay the same.

██████████, Gilbert resident, expressed his concerns with limitations to public speech. He stated it upset him that the Council would consider reducing the amount of time the citizens had to speak to the Council during the meeting in order to adhere to Town Code.

██████████, Gilbert resident, read a statement regarding citizens making their voices heard and that elected officials should prioritize time for public comment. He discussed issues in restricting speech and that allowing the Mayor to determine which citizens could speak and for how long was undemocratic and un-American. He urged the Council to vote the Code changes down.

██████████, Gilbert resident, stated it was important that people had the chance to address their grievances with the Council. He urged Council to not approve the Item.

Mayor Peterson closed the Public Hearing for Item 30.

Councilmember Tilque expressed concern with having a time limit restricting the amount of people allowed to speak during Council meetings. She discussed Town Code; Chapter 1, General Provisions; Article 2, Mayor and Council; Division 3, Rules of Order and Procedure; Section 1.96, Disruption of meeting; penalty. She stated the language was archaic and needed to be updated. She supported the three minutes time allotment for each to speaker.

Councilmember September addressed Council's responsibility to hear the public. He talked about the critical need to hear all the residents who wanted to speak at a Council meeting. He agreed with Councilmember Tilque that the Code was outdated to needed to be reviewed.

Vice Mayor Koprowski apologized for limiting speech of the citizens during public comment at Council meetings. She stated she did not have prior knowledge of the Code and the valuable feedback received from citizens during Council meeting was a necessity. She said she supported revisiting the Code for revision and suggested having a plan of action in place to adjust to the circumstances of the meeting being held.

Councilmember Yentes stated that the item should have been a topic introduced to Council prior to the meeting during a Study Session. She commented the item needed more time for review and Council input before a vote could be made since the Code would impact the way all future Council meetings would be conducted.

Councilmember Anderson stated he was not convinced the item was broken and needed to be fixed, adding he supported tabling or postponing the vote for a future meeting.

Councilmember Hendrix commented he did not agree with the proposed item. He stated the Council was not following Robert's Rules of Order and remarked the Council could not function based on those

Exhibit S to Ethics Report and Recommendation

rules. He read a couple of quotes and comments from parliamentary procedures. He pointed out that the Code had nothing to do specially with the current Mayor but was an outdated document that had been used by all Mayors of the Town previously for thirty-six years. He stated he did not agree with giving the authority appointed to the Council to the Mayor and would like to have the item postponed for a future meeting.

Councilmember Tilque claimed the proposed Code was not intended to take away any of the Council authority during Council meetings. She stated she was not ready to vote on the item until the item language could be updated and not impact the public's ability to speak in front of the Council.

Mayor Peterson declared the Code was updated and being put forward to the Council to address questions that had been brought to her by a Councilmember and members of the public. She stated the item was reviewed by Town Attorney Payne and herself to compare the Town Code to the past and current procedures of Council meetings, adding Town Attorney Payne was asked to make recommendations. She wanted to clarify that there was no malicious or malice intent behind this decision to update the code. She pointed out that the aim of this item was to take the opportunity to bring forward a discussion about the code at a public hearing. She wanted to make sure the code reflected what was currently being done at the council meetings. She stated the item did not have to be voted on at the meeting and would be open to having it discussed during a study session or tabled for a future agenda.

Town Attorney Chris Payne informed the Mayor the council had the options of making a motion to continue the item to a future date or table the item indefinitely.

Mayor Peterson decided to table the item in order to do more research and to make sure the code would reflect the discussions had at tonight meeting.

Item was tabled without a motion, second or vote.

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Council Communication

TO: Honorable Mayor and Councilmembers
FROM: Christopher W. Payne, Town Attorney, 503-6168
August 3, 2021
SUBJECT: Ordinance – Council Rules of Order and Procedure

STRATEGIC INITIATIVE: Prosperous Community

RECOMMENDED MOTION

A motion to approve an ordinance updating the Council Rules of Order and Procedure (Town Code Chapter 1, Article II, Division 3) in the form included herewith.

BACKGROUND/DISCUSSION

Division 3 of Article II, Chapter 1 of the Town Code contains the rules of order and procedure for Council meetings. Staff proposes that rules and procedures be updated as provided herein to better conform to Council's historical practice in Council meetings, as well as the provisions of state law. The attached ordinance contains the proposed revisions to this code section in their entirety. In addition, below is a summary of the proposed revisions:

- **Sec. 1-86. – Regular meetings; study sessions.**

The changes in this section are intended to comport with state law, which requires that the time and location of council meetings be fixed by ordinance, while still allowing Council flexibility as to setting the time, date, and location of public meetings. As revised, this section would read as follows:

- a) The council shall meet regularly according to the adopted meeting calendar as follows:
 - (1) Regular meetings of the council shall GENERALLY be held BIMONTHLY AT

Exhibit S to Ethics Report and Recommendation

6:30 P.M. ON TUESDAY EVENINGS, OR as OTHERWISE scheduled.

///

- b) All regular meetings and study sessions shall be held at the Gilbert TOWN COUNCIL CHAMBERS ~~Municipal Complex~~ or at the address provided on the advance agenda posting to the public. Meeting times, LOCATIONS, and dates may be changed or meetings may be postponed or cancelled by posting notice ON THE TOWN WEBSITE AND at the location of a scheduled meeting.

- **Sec. 1-87. - Special meetings.**

The changes in this section are intended to have the requirements of special meetings comport with the requirements of regular meetings and study sessions (Sec. 1-86). As revised, this section would read as follows:

The mayor or the clerk, upon the approval or request of four members of the council, may convene the council at any time by notifying the members of the council of the date, hour and purpose of such special meeting. The public shall be given at least 24 hours' notice of any such special meeting by the posting of such notice ON THE TOWN WEBSITE AND in at least ~~three~~ ONE public places except that in the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances. SPECIAL MEETING TIMES, LOCATIONS, AND DATES MAY BE CHANGED, OR MEETINGS MAY BE POSTPONED OR CANCELLED BY POSTING NOTICE ON THE TOWN WEBSITE AND AT THE LOCATION OF THE SCHEDULED MEETING.

- **Sec. 1-92. - Order of business.**

The changes in this section are intended to have the code do the following: (i) comport better with Robert's Rules of Order and the Council's long-time practice of having the presiding officer (i.e, the Mayor) determine the amount of time for comments; (ii) clarify the order for public hearings; and (iii) correct an existing conflict in the language in subsection 4 (which limits the total time for communications from citizens to 15 minutes, but also sets a 3 minute duration on comments).

The Council's historical practice is to have the Mayor set the time for public/citizen comment, which depends on the number of citizens wishing to speak. As revised, this section would read as follows:

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(4) *Communications from citizens.* Petitions, remonstrances, communications and comments or suggestions from citizens present shall be heard by the council as set forth in section 1-95. All such remarks by an individual or a group shall be addressed to the council as a whole and not to any member. Such remarks shall be limited to A DURATION DETERMINED BY THE MAYOR ~~three minutes unless additional time is granted by the council.~~ Where one group wishes to present comments or discussion, one person from the group shall be designated to present such comments or

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~~discussion~~. No person other than the individual speaking shall ~~COMMENT~~enter into the ~~discussion~~ without permission of the mayor. All questions shall be directed through the presiding officer. ~~THE TOTAL~~ Total time for communications from citizens shall be limited to 15minutes unless extended by the ~~MAYOR~~ council.

///

(6) *Public hearings.* Public hearings required by law or ordinance shall be heard by the council. Public hearing items for which there are no requests to speak may be heard as a consent public hearing. The mayor shall formally open the public hearing and MAY request the responsible staff member to describe to the council the matter before it. Afterwards, the mayor MAY ~~shall~~ ask for a presentation by the applicant, IF APPLICABLE, WHICH PRESENTATION SHALL BE LIMITED TO A DURATION DETERMINED BY THE MAYOR. ~~Following that, THE~~ the mayor shall then ask if there is anyone present from the public who wishes to speak ABOUT in favor of the matter being heard. SUCH COMMENTS SHALL BE LIMITED TO A DURATION DETERMINED BY THE MAYOR ~~The mayor shall then ask if there is anyone present from the public who wishes to speak in opposition to the matter being heard.~~ WHERE ONE GROUP WISHES TO COMMENT, ONE PERSON FROM THE GROUP SHALL BE DESIGNATED TO PRESENT SUCH COMMENTS, WHICH SHALL BE LIMITED TO A DURATION DETERMINED BY THE MAYOR. The mayor may then ask if there is any rebuttal FROM THE APPLICANT OR STAFF, IF APPLICABLE. Councilmembers may ask questions of staff or any other person making a statement.

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- **Sec. 1-95. - Addressing the council.**

The changes in this section are intended to have the code comport better with Robert's Rules of Order and the Council's long-time practice of having the presiding officer (i.e, the Mayor) determine the amount of time for comments. The Council's historical practice is to have the Mayor set the time for comments, which depends on the number of citizens wishing to speak. As revised, this section would read as follows:

The public, in accord with other provisions of this Code, shall have the right to address the council during public hearings and to petition the council at the call to the public, the time for which to be prescribed by the MAYOR ~~council~~. Otherwise, any person wishing to address any regular or special meeting of the council shall obtain consent of the mayor or consent of a majority of the councilmembers present. The mayor may limit repetitive comments made during the course of public hearing or meeting.

- **Sec. 1-96. - Disruption of meeting; penalty.**

The changes in this section are intended to ensure that it is unlawful to also disrupt Council study sessions. As revised, this section would read as follows:

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It shall be unlawful to disrupt or interrupt any regular or special meeting OR STUDY SESSION of the town council. Any person violating this section, in addition to being subject to punishment as follows, shall be summarily ejected from the meeting. Any person violating any provision of this section shall be fined not more than \$50.00 and by imprisonment until payment of the fine.

The ordinance was reviewed for form by Attorney Christopher W. Payne

FINANCIAL IMPACT

There are no anticipated financial impacts due to this ordinance.

The financial impact was reviewed by Christopher Scott, Management and Budget Analyst.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance as proposed.

Respectfully submitted,

Christopher W. Payne
Town Attorney

Exhibit S to Ethics Report and Recommendation

Approved By

Approval Date

Chris Payne

7/24/2021 3:18:07 PM

Chris Payne

7/24/2021 3:18:11 PM

Christopher Scott

7/26/2021 8:10:00 AM

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Exhibit D

Ordinance No. _____

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ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 1 GENERAL PROVISIONS, ARTICLE II MAYOR AND COUNCIL, DIVISION 3 RULES OF ORDER AND PROCEDURE, SECTIONS 1-86 REGULAR MEETINGS; STUDY SESSIONS, 1-87 SPECIAL MEETINGS, 1-92 ORDER OF BUSINESS, 1-95 ADDRESSING THE COUNCIL, AND 1-96 DISRUPTION OF MEETING; PENALTY; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Code of Gilbert, Arizona, CHAPTER 1 GENERAL PROVISIONS, ARTICLE II MAYOR AND COUNCIL, DIVISION 3 RULES OF ORDER AND PROCEDURE, SECTIONS 1-86 REGULAR MEETINGS; STUDY SESSIONS, 1-87 SPECIAL MEETINGS, 1-92 ORDER OF BUSINESS, 1-95 ADDRESSING THE COUNCIL, AND 1-96 DISRUPTION OF MEETING; PENALTY are hereby amended to read as follows (additions in ALL CAPS and UNDERLINE; deletions in ~~strikeout~~):

Sec. 1-86. – Regular meetings; study sessions.

- a) The council shall meet regularly according to the adopted meeting calendar as follows:
 - (1) Regular meetings of the council shall GENERALLY be held BIMONTHLY AT 6:30 P.M. ON TUESDAY EVENINGS, OR as OTHERWISE scheduled.
 - (2) Study sessions shall occur on an as needed basis.

The public shall be given at least 24 hours' notice of any regular meeting and study session by the posting of such notice on the town website and in at least one public place.

- b) All regular meetings and study sessions shall be held at the Gilbert TOWN

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COUNCIL CHAMBERS ~~Municipal Complex~~ or at the address provided on the advance agenda posting to the public. Meeting times, LOCATIONS, and dates

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may be changed or meetings may be postponed or cancelled by posting notice ON THE TOWN WEBSITE AND at the location of a scheduled meeting.

Sec. 1-87. - Special meetings.

The mayor or the clerk, upon the approval or request of four members of the council, may convene the council at any time by notifying the members of the council of the date, hour and purpose of such special meeting. The public shall be given at least 24 hours' notice of any such special meeting by the posting of such notice ON THE TOWN WEBSITE AND in at least ~~three~~ ONE public places except that in the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances. SPECIAL MEETING TIMES, LOCATIONS, AND DATES MAY BE CHANGED, OR MEETINGS MAY BE POSTPONED OR CANCELLED BY POSTING NOTICE ON THE TOWN WEBSITE AND AT THE LOCATION OF THE SCHEDULED MEETING.

Sec. 1-92. - Order of business.

The business of the council shall include the following, which may be considered in the order the item appears on the agenda or in the order set by the mayor with the consent of the council:

- (1) *Call to order.* The mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the council to order. In the absence of the mayor, the vice-mayor shall call the council to order. In the absence of both the mayor and vice-mayor, an acting mayor shall be chosen pursuant to section 1-64. Upon the arrival of the mayor or the vice-mayor, the vice-mayor or the acting mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the council.
- (2) *Roll call.* Before proceeding with the business of the council, the clerk shall call the roll of the members, and the names of those present shall be entered in the minutes. If a quorum is not present, the members present may adjourn pursuant to section 1-89.
- (3) *Presentations and proclamations.* Any presentations and proclamations will be made.
- (4) *Communications from citizens.* Petitions, remonstrances, communications and comments or suggestions from citizens present shall be heard by the council as set forth in section 1-95. All such remarks by an individual or a group shall be addressed to the council as a whole and not to any member. Such remarks shall be limited to A DURATION DETERMINED BY THE MAYOR ~~three minutes unless additional time is granted by the council.~~ Where one group wishes to ~~present~~ present comments or discussion, one

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person from the group shall be designated to present such comments ~~or discussion~~. No person other than the individual speaking shall ~~COMMENT enter into the discussion~~ without permission of the mayor. All questions shall be directed through the presiding officer. THE TOTAL ~~Total~~ time for communications from citizens shall be limited to 15 minutes unless extended by the MAYOR ~~council~~.

(5) *Consent calendar.* Matters on the consent calendar shall not require separate action but may be acted upon by adoption of the consent calendar. Any councilmember may request that a consent calendar item be added to or removed from the consent calendar, in which case that item will not be acted upon by the adoption of the consent calendar.

(6) *Public hearings.* Public hearings required by law or ordinance shall be heard by the council. Public hearing items for which there are no requests to speak may be heard as a consent public hearing. The mayor shall formally open the public hearing and MAY request the responsible staff member to describe to the council the matter before it. Afterwards, the mayor MAY ~~shall~~ ask for a presentation by the applicant, IF APPLICABLE, WHICH PRESENTATION SHALL BE LIMITED TO A DURATION DETERMINED BY THE MAYOR. ~~Following that, THE~~ the mayor shall then ask if there is anyone present from the public who wishes to speak ABOUT in favor of the matter being heard. SUCH COMMENTS SHALL BE LIMITED TO A DURATION DETERMINED BY THE MAYOR ~~The mayor shall then ask if there is anyone present from the public who wishes to speak in opposition to the matter being heard.~~ WHERE ONE GROUP WISHES TO COMMENT, ONE PERSON FROM THE GROUP SHALL BE DESIGNATED TO PRESENT SUCH COMMENTS, WHICH SHALL BE LIMITED TO A DURATION DETERMINED BY THE MAYOR. The mayor may then ask if there is any rebuttal FROM THE APPLICANT OR STAFF, IF APPLICABLE. Councilmembers may ask questions of staff or any other person making a statement.

(7) *Administrative items.* The council shall consider administrative matters not requiring a public hearing.

(8) *Policy items.* Matters involving policy decisions or consideration shall be heard by the council and shall include consideration of future direction and decisions of the town. The council will be provided the appropriate background information prior to the meeting.

(9) *Future meetings.* Provide for discussion on dates and general topics for future meetings.

(10) *Communications.* The mayor, council, and the town manager may report on current events.

(11) *Adjournment.*

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Sec. 1-95. - Addressing the council.

The public, in accord with other provisions of this Code, shall have the right to address the council during public hearings and to petition the council at the call to the public, the time for which to be prescribed by the MAYOR council. Otherwise, any person wishing to address any regular or special meeting of the council shall obtain consent of the mayor or consent of a majority of the council members present. The mayor may limit repetitive comments made during the course of public hearing or meeting.

Sec. 1-96. - Disruption of meeting; penalty.

It shall be unlawful to disrupt or interrupt any regular or special meeting OR STUDY SESSION of the town council. Any person violating this section, in addition to being subject to punishment as follows, shall be summarily ejected from the meeting. Any person violating any provision of this section shall be fined not more than \$50.00 and by imprisonment until payment of the fine.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this _____ day of, 2021, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

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Brigette
Peterson,
Mayor

ATTEST:

Chaveli Herrera, Town Clerk

On Tuesday August 3rd 2021, the Gilbert Town Council

Exhibit T to Ethics Report and Recommendation

From: [REDACTED]
To: [Chaveli Herrera](#); [Chris Payne](#); [Patrick Banger](#); [Council Members](#)
Subject: Ethics Addendum
Date: Monday, August 23, 2021 3:12:37 PM

Addendum:

During the 8/3/2021 town council meeting, the Mayor stated that what prompted her to look into changing the rules in the first place was another Councilmember contacting her (by email). One would assume that this email would involve an issue relating to what the mayor led the public to believe prompted her attempt to change the time limits, restrict how many residents are permitted etc..

The Mayor was asked by another resident to substantiate her claim that this Councilmember did in fact contact her. The Mayor's office sent this resident a copy of the email she received from the Councilmember (Laurin Hendrix).

It became clear that the email had nothing to do with any of the changes the Mayor led the public to believe were necessary and prompted by the email she received from this Councilmember.

This email was about disgruntled Town employees coming to the council meetings and blasting other town employees in public. It was really an HR issue and said nothing about changing time limits for speakers or shifting the power to regulate the meetings from the council and to the mayor exclusively.

Most would consider this an outright lie. At the very least, the mayor misrepresented the Councilmember and misled the public as to the origins of her inquiry into the issue of changing the ordinance. Obfuscation of the truth is an understatement.

Once the Councilmember learned that the Mayor had shared his email with the Gilbert resident, he noticed that she did not include with what she sent to the resident, her response to him. He then shared that response.

We learned in that response that at the time of her writing that email, she was in support of letting the people be heard. It was only after she found herself being attacked that she changed her tune and supported restricting the public from speaking. The fact that this was omitted is again, dishonest and misleading to the public.

I find it highly unethical that the Mayor would deny my FOIA request for much of the same information her office promptly sent to the Gilbert resident. This double standard for how the public receives information is also unethical and ought to be investigated.

Finally, the Mayor having included a change to the ordinance that would change the requirement regarding public disclosure/posting of certain meetings held by our elected officials. Specifically, the current requirement is that notice be posted in 3 places. The Mayor's revision would lower that to just 1 place. There is no legitimate reason why one would look to undermine transparency to the public and this violates the part of the Ethics Code relating to 'Loyalty' to the public. The move to reduce public posting only lends itself to further limiting information to the public which, in turn, limits public response.

Exhibit T to Ethics Report and Recommendation

[REDACTED]

Exhibit U to Ethics Report and Recommendation

From: [REDACTED]
To: [Chaveli Herrera](#); [Chris Payne](#); [Council Members](#)
Cc: maricopacountyattorney@mcao.maricopa.gov; aginfo@azag.gov; tblodgett@communityimpact.com; [REDACTED]; newstips@arizonarepublic.com; cchan@timespublications.com
Subject: First Amendment, Ethics and Conspiracy
Date: Wednesday, September 1, 2021 12:51:24 PM

Chaveli;

Please recognize this as a formal ethics complaint against The Mayor for deprivation of my First Amendment right to speak on Agenda Item #14 on August 3, 2021. Custom and practice by Council has allowed comments on agenda items back to the days of Susan Goodwin. The proper card was filled out, confirmed by a staff member and ignored by the Mayor. To add insult to injury, I spoke up after Councilperson Yentes asked the Town Attorney a few questions (de facto taking it off consent agenda) and was told by the Mayor I had no right to speak.

Denying my speech denied the citizens of Gilbert an opportunity to see and hear the truth. Denying that speech was akin to the power grab initiated by the Mayor during the same meeting that has been decried recently. Our citizens deserve to know the huge missteps of our Council.

Let this also serve as notice that I intend to publicly demonstrate how the Town of Gilbert has allowed a company to grossly overcharge the Town for years and ignore alleged criminal actions on the part of that company to conspire to defraud the Town of hundreds of thousands of dollars. Claims of criminal actions were confirmed by the Town Attorney upon inspection of photoshopped invoices and proof of substituted materials.

I was contacted by former Councilmembers Cook and Taylor to investigate a quarter million dollar contract that was rushed through **without proper competitive bidding**. They also had me examine dozens of invoices that appear to indicate large billing irregularities. Over a hundred hours were put in to verify materials, cost and pricing from other vendors. This research proved, without a doubt, that materials guaranteed by contract were never actually supplied. While on Council, our current Mayor referred to the over charges and swapped materials as insignificant.

Furthermore, let it be known that the Town allowed said company to profit from a practice staff referred to as "bait and switch" and willfully ignored the cost difference in the Town's settlement offer. All of the facts had been previously detailed to the Town Attorney.

Also, the Town ignored falsified invoices presented by said company and agreed to take "no

Exhibit U to Ethics Report and Recommendation

further action" against said company thereby eliminating Council from debarring the entity or pursuing a truly fair settlement. These false invoices are in the possession of the Town. Eventually, the company admitted to the Town that the documents were photoshopped. By not debarring the company, the Council has knowingly and willfully subjected every school district, municipality, County and State agency to potential fraud.

Pursuant to the Gilbert Town Ethics code, public officials have a duty of 'loyalty'---an obligation to make the public's best interest their primary concern. Nothing about this situation is consistent with this duty. Allowing taxpayer dollars to be retained by a vendor, who did not deliver the good or services due under contract, deprives the public of their right to benefit from money spent on their behalf.

Furthermore, it erodes the trust of the public in the Town making decisions regarding taxpayer monies and requires taxpayers to ask why such behavior is not penalized and who benefits from Council inaction.

Respectfully,

A solid black rectangular redaction box covering the signature of the author.