

ETHICS REVIEW COMMISSION MEETING
October 30, 2023
MAIN ROOM
300 N. CAMPBELL STREET, 2ND FLOOR
5:30 P.M.

RECEIVED

By City Clerk's Office at 10:34 am, Jun 13, 2024

Minutes

Members Present:

In Person

District 1 – Bruce Yetter
District 2-Marco Covarrubias
District 3-Elena GrasheimVC
District 4 – Mark-Thomas Bray
District 5 – Ryan Woodcraft
District 6 - Arnulfo Hernandez
District 7 - Casey Antonio Williams C
District 8 -Casey Mangan
Mayor- Richarda Momsen

City Staff Present

Cary Westin -Interim City Manager
Martha P. Lozano – Board Liaison
Cross Functional Team presenters – Kristen
Hamilton, Laura Prine, Adrian Martinez,
Robert Cortinas, (Virtual- Carlos Olmedo
and Karla Saenz)

Public Present

Members of the public signed up to speak.
City Representative – Brian Kennedy

Members of the public not signed up to speak.
Veronica Carbajal
Retired Professor Cathleen Stout

Virtual public comment

No virtual public comment

Members Absent:

City Attorney-Legal/Outside Counsel

Karla Nieman - City Attorney

Meeting Called to Order

Chair Williams called the meeting to order at **5:32 p.m.**

Call to the Public:

Chair Williams addressed in person and virtual members of the public to present their public comment of the item on the agenda.

1. Approval of Minutes: October 30th, 2023, Ethics Review Commission Board.

Chair Williams moves to approve October 30th, 2023, minutes. Motion by Commissioner Woodcraft seconded by Vice Chair Grasheim. Chair Williams called the motion and a second to approve made all in favor. None opposed, motion passes unanimously.

2. Discussion on the withdrawal of the complaint filed by Ms. Deborah Paz against Representative Kennedy.

City Attorney Karla Nieman stated that upon receipt of the withdrawal of the complaint from Ms. Paz, the city attorney's office notifies the commission. There is no language in the ethics ordinance that discusses a withdrawal of an ethics complaint and there's nothing that prohibits it from taking place. It is at the request of the complainant to remove her complaint. The reason this item was added to the agenda is for The Commission to be able to have a conversation to discuss the withdrawal.

3. Discussion and action on the amendments directed by the City Council to City Code chapter 2.92.080 to require additional disclosures regarding contributions or donations from individuals or business entities receiving a benefit from the City, 2.92.120, 2.92.130(A)(5) and 2.92.160(B) to include jurisdiction over candidates, political committees and individuals or business entities in certain circumstances, 2.92.160(C) to include that the Chief Internal Auditor reports to the Council, 2.92.170(A) to adjust the time for response to be due to 14 days after the City Attorney refers a complaint to the commission and 2.92.200(D) to authorize the commission to issue a fine of up to \$500.

City Attorney Karla Nieman states that this item was included in the agenda at the request of the city council. The research and presentation were done by the cross functional team that included CFO Robert Cortinas, City Clerk Laura Prine, City Attorney Kristen Hamilton, City Clerk Office Adrian Martinez, Project Manager Dr. Carlos Olmedo and City Attorney Karla Saenz.

Recess at 7:25 pm

Session back at 7:35 pm

Section 1- 2.92.080 (A) –

Commissioner Momsen proposed to keep the reporting limit to \$500 and to place the responsibility of reporting solely upon the elected officials with the assistance of city staff and administrative support. The requirement would be that they would have to report any contribution received in the last four years. Commissioners agreed on the amendment for the council to report four years of campaign donations of \$500 or more. The timeline will be triggered at the time that the item is placed on the agenda.

Amended motion proposed by Commissioner Mangan and seconded by Commissioner Bray. Chair calls the vote on the proposed amendments. All those in favor. Motion carries.

Section 1- 2.92.080 (B)

Commissioner Momsen makes a motion to strike section B. Commissioner Woodcraft seconds the motion. Chair Williams calls the motions to approve all in favor. None opposed, motion passes unanimously.

Section 1 – 2.92.080 (C)

No action

Section 1 – 2.92.080 (D)

No Action

Section 1 – 2.92.080 (E)

Commissioner Hernandez makes a motion to add addresses as a requirement for reporting donations. Commissioner Yetter seconds the motion. Chair Williams calls the motions to approve all in favor. One opposed, motion carries.

Section 1 – 2.92.080 (F)

Commissioner Yetter makes a motion to accept the recommendation to change the section or to add in donations and in-kind donations. Seconded by Vice Chair Grasheim. Chair Williams calls the motions to approve all in favor. None opposed, motion passes unanimously.

Section 2 – 2.92.120 Jurisdiction

1 - Chair Williams requests a motion to strike language Additionally, the ethics review commission shall have jurisdiction over contributors, individuals, and business entities only to review alleged violations of Section 2.92.080 by individuals or business entities who have obligations under that section. Due to the action the Commission took by deleting Section 1-B. Commissioner Woodcraft makes a motion, seconded by Vice Chair Grasheim. Chair Williams calls the motions to approve all in favor. One opposed, motion carries.

2 – Chair Williams requests a motion to add candidates and political committees that have not been a part of this code within the jurisdiction of this commission. The Texas Ethics Commission already has jurisdiction over candidates and political committees and the city Ethics Commission didn't. Commissioner Yetter makes a motion to approve the recommendation seconded by Vice Chair Grasheim. Chair Williams calls the motions to approve all in favor. None opposed, motion passes unanimously.

Section 3 – 2.92.130 (A) (5)

1 - Chair Williams calls for a motion to strike the language individuals and business entities described therein. Commissioner Woodcraft makes a motion to approve the recommendation seconded by Vice Chair Grasheim. Chair Williams calls the motions to approve all in favor. None opposed, motion passes unanimously.

2 – Commissioner Williams calls a motion to accept the proposed language Review, evaluate and issue determinations, impose sanctions, and provide recommendations to the city council on complaints regarding officers. Commissioner Yetter makes a motion to approve the recommendation seconded by Commissioner Woodcraft. Chair Williams calls the motions to approve all in favor. None opposed, motion passes unanimously.

Section 4 – 2.92.160 B. (1)

Chair William calls for a motion to approve the proposed language. Commissioner Mangan makes a motion to approve the recommendation seconded by Commissioner Woodcraft. Chair Williams calls the motions to approve all in favor. None opposed, motion passes unanimously.

Section 4 – 2.92.160 B. (2)

Chair Williams entertains a motion to strike Section B (2) as proposed. Commissioner Woodcraft makes a motion to approve the recommendation seconded by Commissioner Yetter. Chair Williams calls the motions to approve all in favor. None opposed, motion passes unanimously.

Section 4 – 2.92.160 C

Chair Williams entertains a motion to approve the proposed language to include the chief internal auditor since now that position is a direct report to City Council. Commissioner Yetter makes a motion to approve the recommendation seconded by Commissioner Woodcraft. Chair Williams calls the motions to approve all in favor. None opposed, motion passes unanimously.

Section 5 – 2.92.170 A

Chair Williams calls a motion to approve proposed language. If the City Attorney refers the complaint to the ethics review commission under subsection 2.92.170(B)(2) below, respondent has fourteen days from notice to respondent of such to file a response with the city clerk. Commissioner Yetter makes a motion to approve the recommendation seconded by Vice Chair Grasheim. Chair Williams calls the motions to approve all in favor. None opposed, motion passes unanimously.

Section 6 – 2.92.200 (D) (5)

Ethics Commissioners request for an amendment on the language of paragraph D to show the following:

If after hearing the issues, the ethics review commission determines through clear and convincing evidence that a violation of this chapter has occurred, then the ethics review commission may issue ~~on of~~ the following sanctions:

Commissioner Hernandez amended the motion to show the following:

“Failure to pay the fines within 30 days, the city attorney's office shall take appropriate action to enforce the order and it gives them now the power to look at what remedies are available to get the money”.

Proposed by City Attorney's:

Issue a fine not to exceed \$500 payable to the City comptroller within 30 days of such order by the ethics review commission.

Commissioner Woodcraft makes a motion to approve the amended recommendation seconded by Commissioner Yetter. Chair Williams calls the motions to approve all in favor. None opposed, motion passes unanimously.

4. Recusal of Chairman Williams from the complaint filed by Mr. Phillip Laign against former district Representative Claudia Rodriguez.

No Discussion by the Commissioners

Adjournment: at 9:18 p.m.

Chair Williams calls a motion to adjourn the meeting. All in favor. None opposed, motion passes unanimously.