

ETHICS REVIEW COMMISSION MEETING
November 8 ,2023
MAIN ROOM
300 N. CAMPBELL STREET, 2ND FLOOR
5:30 P.M.

Minutes

Members Present:

In Person

Mayor – Richarda Momsen
District 1 – Bruce Yetter
District 3-Elena GrasheimVC
District 4 – Mark-Thomas Bray
District 5 – Ryan Woodcraft
District 6 - Arnulfo Hernandez
District 8 -Casey Mangan

City Staff Present

Cary Westin -Interim City Manager
Martha P. Lozano – Board Liaison

Members Absent:

District 7 - Casey Antonio Williams C
District 2-Marco Covarrubias

City Attorney-Legal/Outside Counsel

Karla Nieman - City Attorney
Frank Garza – Outside Counsel

Public Present

Members of the public signed up to speak.
None

Virtual public comment

James Peinado

1. Meeting Called to Order

Vice Chair Grasheim called the meeting to order at **5:33 p.m.**

2. Call to the Public:

Vice Chair Grasheim addressed virtual members of the public to present their public comment of the item on the agenda.

3. Hearing of Ethics Complaint filed by Mr. Phillip Laign against Former City Representative Claudia Rodriguez.

Commissioner Hernandez will recuse himself from this item on the agenda since he filed 5 complaints against former City Representative Claudia Rodriguez with the Texas Ethics Commission. Commissioner Hernandez felt that even though those were 2 separate issues, he didn't want to give the impression of bias in the procedure.

The complainant, Mr. Phillip Laign, presented his opening statement for the violations within 2 years period. Mr. Laign submitted evidence to the Commission regarding Former City Representative Claudia Rodriguez excessive fuel use.

Respondent Former City Council Representative Claudia Rodriguez was not present to provide her opening statement. She submitted a letter right before the meeting advising the Ethics Review Commission that she was not going to participate in the hearing.

Executive Session (6:20 pm)

Commissioner Bray entertained a motion to move into executive session. Motion by Commissioner Woodcraft seconded by Commissioner Momsen. Vice Chair Grasheim called all those in favor. None opposed, motion passes unanimously.

Meeting back in session at 7:24 pm

Vice Chair Grasheim calls the meeting to order. Commissioner Bray requests for outside counsel to clarify the options to consider for the allegations. Outside Counsel Frank Garza provides the following information:

- 1- Letter of notification - Violation occurred and was clearly unintentional.
- 2- Letter of admonition - Violation was minor and or may have been unintentional, but there were circumstances called for more than a letter of admonition.
- 3- Letter of reprimand - Violation was committed intentionally or through disregard of the ethics code.

Commissioner Bray makes a motion based on the evidence submitted and the exhibits that there was a violation of section 2-92-030 A1 that former representative use her official position to improperly secure unwanted privileges for themselves. Also, there was a violation of section 2-92.030 A7 that the former representative utilized city resources for personal benefit or the benefit of another person or entity. Commissioner Bray withdrew his motion to take Commissioner's Yetter motion first.

Commissioner Yetter proposed a motion to admit all the exhibits presented first to include the letter from the respondent to the Ethics Commission dated November 1, 2023. Affidavits submitted by the respondent were not timely filed and to be rejected for lack of timeliness. Seconded by Commissioner Mangan and Commissioner Momsen. Vice Chair Grasheim called all those in favor. None opposed, motion passes unanimously.

Vice Chair Grasheim confirms that the Ethics Commission received evidence with exhibits that were brought forth by the complainant that would be numbers one through 10 and adding number 11, which is the letter dated November 1st from the respondent in this case.

Commissioner Bray brings back the motion that based on the evidence submitted and the exhibits that there was a violation of section 2-92-030 A1 that former representative use her official position to improperly secure unwanted privileges for themselves. Also, there was a violation of section 2-92.030 A7 that the former representative utilized city resources for personal benefit or the benefit of another

person or entity. Commissioner Yetter seconds the motion with the recommendation to include also by clear and convincing evidence.

Commissioner Bray accepts the friendly amendment recommended by Commissioner Yetter. The Ethics Commission has a motion and a second and will vote by roll call for this item.

Commissioner Mangan - Yes

Commissioner Bray - Yes

Commissioner Yetter - Yes

Vice Chair Grasheim - Yes

Commissioner Momsen - Yes

Commissioner Woodcraft - Yes

All in favor. None opposed, motion passes unanimously.

Commissioner Yetter entertains a motion to impose the sanction for this case with the letter of reprimand. Seconded by Commissioner Bray. Vice Chair Grasheim called all those in favor. None opposed, motion passes unanimously.

4. Adjournment: at 7:32 p.m.

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