



Annual Internal Review

This report covers the time period of 7/1/2015 to 6/30/2016

(This report is covering the transition date to 10-1 and in accordance with Ordinance No. 20141211-204. This report is due July 31, 2016. Please note that this is to be completed by the Chair of the board or commission. While a board action is not required to complete this form, I highly recommend this be a collaborative effort of the board.)

ETHICS REVIEW COMMISSION

The Board/Commission mission statement (per the City Code) **is:**

§ 2-1-145 ETHICS REVIEW COMMISSION. The Ethics Review Commission has duties and responsibilities established by Chapter 2-2 (Campaign Finance) and Chapter 2-7 (Ethics and Financial Disclosure).

§ 2-2-65 OTHER CONSIDERATIONS FOR CAMPAIGN CONTRACT.

- (A) A candidate who signs a campaign contract must participate in a series of candidate forums, whether or not the candidate qualifies for funds.
- (B) The Ethics Review Commission shall produce not fewer than three forums for each contested race as follows:
 - (1) one forum must air on public access television; and
 - (2) other forums may be produced and made available to the public by radio, broadcast, publication on the Internet, or other means approved by the commission.
- (C) The City shall make recordings of audio or video forums available to the public at all branches of the City library.
- (D) The City may purchase advertising promoting the candidate forums.
- (E) The Ethics Review Commission shall establish equitable guidelines to coordinate and produce the candidate forums.

§ 2-7-26 FUNCTIONS. The Ethics Review Commission has jurisdiction over this chapter, Section 2-1-24 (Conflict of Interest and Recusal), Chapter 2-2 (Campaign Finance), Chapter 4-8 (Regulation of Lobbyists), and Article III, Section 8, of the City Charter (Limits on Campaign Contributions and Expenditures). The commission shall hear and rule on sworn complaints alleging violations of the provisions within the commission's jurisdiction. The city manager shall provide funding for all necessary and reasonable functions of the commission in fulfilling its duties.

§ 2-7-30 DUTIES.

- (A) The Ethics Review Commission shall, in addition to its other duties:
 - (1) prescribe forms for reports, statements, notices, and other documents required by the provisions within the commission's jurisdiction;
 - (2) prepare and publish materials explaining the duties of individuals subject to the provisions within the commission's jurisdiction;
 - (3) review all statements and reports filed with the commission in order to obtain compliance with the provisions within the commission's jurisdiction;
 - (4) accept and file any information voluntarily supplied that exceeds the requirements of the provisions within the commission's jurisdiction;
 - (5) preserve statements and reports filed with the commission for a period of five years from the date of receipt;
 - (6) review the provisions within the commission's jurisdiction and make appropriate recommendations to the city council concerning the provisions within the commission's jurisdiction, and perform an annual review and evaluation of the dollar limits established in Chapter 2-2 (Campaign Finance) and make recommendations to the city council as to those limits;
 - (7) review all public opinions related to the provisions within the commission's jurisdiction that are issued by the city attorney;
 - (8) conduct hearings in accordance with the provisions of this chapter and the commission's rules on sworn complaints alleging violations of the provisions within the commission's jurisdiction;
 - (9) schedule and oversee the forums among candidates in City elections provided for in Chapter 2-2 (Campaign Finance).
- (B) The commission may:
 - (1) prepare reports and studies to advance the purposes of the provisions within the commission's jurisdiction;
 - (2) request the city council and city manager to provide such assistance as it may require in the discharge of its duties; and
 - (3) make recommendations to the city manager concerning the role of the ombudsman concerning this chapter.

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1. Describe the board's actions supporting their mission during the previous calendar year. Address all elements of the board's mission statement as provided in the relevant sections of the City Code.

The Ethics Review Commission engaged in the following activities during the review period:

July 2015

The Commission held a regular meeting on July 28, 2015.

As this was the first meeting after the transition to the 10-1 composition of the Ethics Review Commission, the Commission received a briefing from its Executive Liaison and Staff Liaison on Commission duties, mission and jurisdiction.

The Commission elected officers for year. Commissioner Kaplan was elected Chair and Commissioner Einhorn was elected Vice-Chair.

A pre-existing working group briefed the Commission activities regarding proposed revisions to Chapter 2-2 of City Code (Campaign Finance) and Article III, Section 8 of the City Charter (Limits on Campaign Contributions and Expenditures).

A pre-existing working group briefed the Commission on activities regarding proposed revisions to Chapter 2-7 of City Code (Ethics and Financial Disclosure).

A pre-existing working group briefed the Commission on activities regarding proposed revisions to Chapter 4-8 of City Code (Regulation of Lobbyists) and the public comment working group meeting that took place on June 3, 2015.

The Commission voted to reauthorize the working group tasked with reviewing and proposing revisions to Chapter 2-2 of City Code (Campaign Finance) and Article III, Section 8 of the City Charter (Limits on Campaign Contributions and Expenditures) to be comprised of:

- Commissioner Quinzi
- Commissioner Stratmann
- Commissioner Thompson
- Commissioner Harding

The Commission voted to reauthorize the working group tasked with reviewing and proposing revisions to Chapter 2-7 of City Code (Ethics and Financial Disclosure) comprised of:

- Commissioner Ohueri
- Chair Kaplan
- Vice Chair Einhorn

The Commission voted to reauthorize the working group tasked with reviewing and proposing revisions to Chapter 4-8 of City Code (Regulation of Lobbyists) comprised of:

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- Commissioner McCormick
- Commissioner Smith
- Commissioner Lamon
- Commissioner Speight

August 2015

The Commission held a special called meeting on August 31, 2015.

Council Member Leslie Pool briefed the Commission on the resolution relating to proposed changes to Chapter 4-8 of City Code (Regulation of Lobbyists) and Chapter 2-7 of City Code (Ethics and Financial Disclosure) and on her timeline to receive input from the Commission and take the resolution to Council.

The Commission convened a preliminary hearing to consider a complaint filed on 8/11/2015 (and subsequently supplemented on 8/27/2015) by Kent Anschutz against Arif Panju alleging violation of Chapter 2-7 of City Code (Ethics and Financial Disclosure).

The Commission voted to not proceed to final hearing on the allegation that Mr. Panju violated City Code, Section 2-7-62(B) because reasonable grounds do not exist to believe that a violation of that section had occurred.

The Commission voted to proceed to final hearing on the allegations that Mr. Panju violated City Code, Section 2-7-63(A), Section 2-7-64(A), and Section 2-7-64(B) because reasonable grounds exist to believe that a violation had occurred.

The Commission voted to propose revisions to its bylaws including:

- Administrative revisions to the language to reference the new 10-1 commission composition, and
- Creating a position of Secretary as one of the officers elected annually.

The Commission did not approve the creation of a parliamentary officer position, but instead tasked the Vice Chair with performing the duties of parliamentary.

September 2015

On September 16, 2015, the Commission's Working Group charged with City Code, Chapter 4-8, (Regulation of Lobbyists, and Council Audit & Finance Committee Lobbying Resolution) held a Public Meeting to hear comments on proposed changes to the 4-8.

On September 28, 2016, the Commission held a Special Called meeting to convene a preliminary hearing to consider: (2.a.) an amended complaint filed on June 30, 2015, by Mark Walters against Don Zimmerman alleging violations of Chapter 2-7 of City Code (Ethics and Financial Disclosure); and (2.b.) a complaint filed on July 27, 2015, by Mark Walters against Don Zimmerman alleging violations of Chapter 2-2 of City Code (Campaign Finance).

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The Commission voted that reasonable grounds do not exist to believe that Council Member Zimmerman violated City Code, Section 2-7-1(A). The allegation that Council Member Zimmerman violated City Code, Section 2-7-1(A) was dismissed.

The Commission voted on a motion that reasonable grounds do not exist to believe that Council Member Zimmerman violated City Code, Section 2-7-62(J). The motion failed on a 5-5-1 vote.

The Commission voted on a motion that reasonable grounds exist to believe that Council Member Zimmerman violated City Code, Section 2-7-62(J) and to proceed to final hearing. The motion failed on a 5-5-1 vote.

Due to the failure to receive six votes in favor of proceeding to final hearing, the allegation that Council Member Zimmerman violated City Code, Section 2-7-62(J) was automatically dismissed.

The Commission voted that reasonable grounds exist to believe that Council Member Zimmerman violated City Code, Section 2-2-25, and to proceed to final hearing on the allegation.

The Commission voted that reasonable grounds exist to believe that Council Member Zimmerman violated City Code, Section 2-2-42, and to proceed to final hearing on the allegation.

October 2016

On October 13, 2015, the Commission held a Special Called meeting to convene a final hearing to consider a complaint filed on July 27, 2015, by Mark Walters against Don Zimmerman alleging violations of Chapter 2-2 of City Code (Campaign Finance).

The Commission voted that a violation of City Code, Section 2-2-25 had occurred. The Commission found that the violation by Council Member Zimmerman was minor and should not be prosecuted but should be corrected. The Commissioner issued a reprimand to Council Member Zimmerman because he was notified of the filing error but did not correct it.

The Commission voted that a violation of City Code, Section 2-2-42 had occurred. The Commission found that the violation was minor and should not be prosecuted but should be corrected. The Commission issued one reprimand to Council Member Zimmerman for both violations of Chapter 2-2.

The Commission held a regular meeting on October 27, 2015. At the regular called meeting, the Commission convened a final hearing under Section 2-7-45 of the City Code

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to consider a complaint filed on August 11, 2015, by Kent Anschutz against Arif Panju alleging 2 violations of Chapter 2-7 of City Code (Ethics and Financial Disclosure) and a supplement to the complaint filed on August 27, 2015, by Kent Anschutz against Arif Panju alleging additional violations of Chapter 2-7 of City Code (Ethics and Financial Disclosure).

The Commission voted that the respondent, Mr. Panju, violated Section 2-7-63(A) of City Code on July 27, 2015.

The Commission voted that the respondent, Mr. Panju, violated Section 2-7-63(A) of City Code on August 24, 2015.

The Commission voted that Mr. Panju violated Section 2-7-64(A) and (B) on August 24, 2015.

The Commission issued a letter of reprimand to Mr. Panju because the violations were committed through disregard of Chapter 2-7 of City Code.

The Commission voted to propose amending the Commission's bylaws to allow the Commission to hold more than one regular meeting per quarter.

The Commission voted to appoint Commissioner McCormick as the sole member of the 2016 Candidate Forum Working Group.

November 2015

On November 10, 2015, the Commission met in a Special Called Meeting to receive a briefing from its working group charged with Chapter 4-8 of City Code (Regulation of Lobbyists) on a recommendation to the City Council regarding lobbying reform and regarding the draft lobbying resolution recommended by the Council Audit and Finance Committee on August 26, 2015. The Commission voted to approve a recommendation.

The Commission was also briefed by its working group charged with Chapter 2-2 of City Code (Campaign Finance) on proposed recommendation to the City Council regarding the Audit and Finance Committee resolution relating to "dark money." The Commission voted to adopt the recommendation.

The Commission voted to approve revised City campaign finance form ATX. 6 (Exemption Statement) related to requirements set out in Ordinance No. 20150806-004 relating to electronic filing of information in campaign finance reports.

The Commission voted to set its regular meeting calendar for 2016. The calendar was a change from the historic practice to begin to meet monthly.

The Commission voted to approve a recommendation to the City Council regarding the proposed amendments to Chapter 2-7 (Ethics and Financial Disclosure) and Chapter 2-3

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(City Auditor).

January 2016

The Commission held a regular meeting on January 13, 2016.

The Commission convened a primary hearing to consider nine amended complaints filed on December 8, 2015, by Dr. Fred L. McGhee against Historic Landmark Commission Members David Whitworth (2.a.), Teri Myers (2.b.), Arif Panju (2.c.), Alexander Papavasiliou (2.d.), Emily Reed (2.e.), Michelle Trevino (2.f.), Madeline Clites (2.g.), Mary Jo Galindo (2.h.), and Blake Tollett (2.i.) alleging violations of Chapter 2-1 of City Code (City Boards) and Chapter 2-7 of City Code (Ethics and Financial Disclosure).

The Commission voted to dismiss the allegations of violation of Section 2-1-44 of City Code with regard to all nine respondents, as there are not reasonable grounds to believe that a violation of a provision within the jurisdiction of the Commission has occurred because Section 2-1-44 is not within the jurisdiction of the Commission.

The Commission voted to dismiss the allegations of violation of Section 2-7-1(A) of City Code with regard to all nine respondents on the grounds that Section 2-7-1(A) is an aspirational part of Chapter 2-7 and that the Commission has not found reasonable grounds to believe that it can be violated.

February 2016

The Commission held a regular meeting on February 10, 2016.

Chair Kaplan resigned from his position as chair of the Commission, and the Commission held emergency officer elections. The Commission elected Vice Chair Einhorn to serve as Chair for the remainder of the term. The Commission then elected Commissioner Lamon to serve as Vice Chair.

City Clerk Goodall and City Records Manager Guz briefed the Commission regarding proposed amendments to Chapter 2-2 of City Code (Campaign Finance) and associated proposed revisions to the City's campaign finance forms. The Commission voted to adopt a recommendation to the City Council regarding the proposed amendments to Chapter 2-2 of City Code.

March 2016

The Commission held a regular meeting on March 9, 2016. The Commission adopted minutes, discussed proposed amendments to Chapter 2-2 (Campaign Finance) of City Code, and received a staff briefing on the 2016 candidate forum planning.

April 2016

The Commission held a regular meeting on April 13, 2016.

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The Commission convened a preliminary hearing to consider a complaint filed on February 18, 2016, by Thomas Clark against Council Member Sabino “Pio” Renteria alleging violation of Chapter 2-1 of City Code (City Boards). The Commission notified the Mr. Clark, the complainant that the complaint as sworn and filed referenced sections of the Code that refer to members of Boards and Commissions and not City Council members. The complainant was offered the opportunity to refile the complaint.

At the recommendation of the working group charged with Chapter 2-2 (Campaign Finance) of the City Code, the Commission voted to make revisions to the City campaign finance forms necessary because of changes made to Chapter 2-2 of City Code (Campaign Finance).

The Commission conducted officer elections. Chair Einhorn was re-elected to serve as Chair for the next year, Vice Chair Lamon was re-elected Vice Chair, and Commissioner Stratmann was elected Secretary.

May 2016

The Commission held a regular meeting on May 11, 2016.

The Commission convened a preliminary hearing to consider a complaint by Thomas Clark against Council Member Sabino “Pio” Renteria, which was re-filed on April 22, 2016 alleging violation of Chapter 2-2 of City Code (Campaign Finance) and Chapter 2-7 of City Code (Ethics and Financial Disclosure), and requesting relief under Chapter 2-1 of City Code (City Boards).

The Commission voted that reasonable grounds do not exist to believe that Council Member Renteria violated City Code, Sections 2-2 (Campaign Finance) and 2-7 (Ethics and Financial Disclosure).

The Commission voted to recommend amendments to its bylaws to allow the Chair to cancel a regular called meeting if there is no business pending that warrants a meeting. This recommendation is pending with the Council’s Audit and Finance Committee.

June 2016

The Commission held a regular meeting on June 8, 2016. The Commission voted to recommend revision of Chapter 2-7 of City Code (Ethics and Financial Disclosure) regarding the Commission’s complaint procedures. The recommended revision would allow the Chair to make preliminary determinations about the completeness and correctness of a sworn complaint under certain limited criteria. It further creates a procedure for the full Commission to ratify these preliminary determinations at the next regular called meeting.

The Commission set a special called meeting on June 22, 2016 to hold preliminary hearings on two complaints:

1. a complaint filed on April 25, 2016, by Pinaki Ghosh against Lemuel Williams

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- alleging violation of Chapter 2-1 of City Code (City Boards) and Chapter 2-7 of City Code (Ethics and Financial Disclosure); and
2. a complaint filed on May 23, 2016, by Pinaki Ghosh against Rondella Hawkins alleging violation of Chapter 2-1 of City Code (City Boards) and Chapter 2-7 of City Code (Ethics and Financial Disclosure).

2. Determine if the board's actions throughout the year comply with the mission statement.

The Ethics Review Commission's activities complied with the functions and duties of the body.

3. List the board's goals and objectives for the new calendar year.

The Ethics Review Commission will continue to meet its stated responsibilities as an independent Ethics and Compliance body. In addition, in the Fall of 2016 the Commission will help plan and hold candidate forums for Council elections.