



ETHICS REVIEW COMMISSION

REGULAR MEETING Wednesday, October 12, 2016

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, October 12, 2016, at City Hall, 301 W. 2nd Street, Room 1027, in Austin, Texas.

Commission Chair Peter Einhorn called the meeting to order at 6:04 p.m.

Commission members in attendance: Chair Peter Einhorn, Vice Chair Matthew Lamon, Secretary Robert “Ben” Stratmann, Debra Danburg, Meagan Harding, J. Michael Ohueri, Paul Quinzi, Kenneth Smith, Dennis Speight, and Brian Thompson. Commissioner Donna Beth McCormick was absent.

City Staff in Attendance: Commission Executive Liaison and Senior City Attorney Jerikay Gayle, Commission Staff Liaison Sue Palmer, and outside counsel for the Commission for the complaint by Cathy Morgan against Don Zimmerman, Tim Sorrells.

Relative to Item Nos. 1.b. and 2.b., Chair Einhorn stated for the record that an email had been received from Brad Parsons withdrawing his complaint against Richard Grayum; therefore, there was no basis upon which to find a violation so no further action by the Commission was necessary.

Item No. 1.a: The Commission went into executive session at 6:06 p.m. to discuss legal issues related to a complaint filed on August 30, 2016 by Cathy Morgan against Council Member Don Zimmerman alleging violation of City Code Section 2-2-14 (Disclosure of Compliance with Chapter) of Chapter 2-2 of the City Code (Campaign Finance).

The Commission returned from executive session at 6:37 p.m.

Item No. 2.a. The Commission convened a preliminary hearing under Section 2-7-44 of the City Code to consider a complaint filed on August 30, 2016 by Cathy Morgan against Council Member Don Zimmerman alleging violation of City Code Section 2-2-14 (Disclosure of Compliance with Chapter) of Chapter 2-2 of the City Code (Campaign Finance).

ERC outside counsel Tim Sorrells described rules governing the proceedings.

The complainant, Cathy Morgan, appeared in person and, under oath, made her statement supporting her allegations of violations of City Code provisions.

The respondent, Council Member Don Zimmerman, appeared in person and, under oath, made his statement responding to the alleged violations of City Code provisions.

Following statements from the complainant and respondent, the Commission discussed and deliberated.

Commission Member Stratmann made a motion to proceed to final hearing, and a second was made by Commission Member Ohueri.

Commission Members Danberg, Ohueri, Speight, Harding, Stratmann, Thompson and Einhorn voted in favor of the motion. Those opposed were Commission Members Smith, Quinzi and Lamon. The motion passed on a 7 – 3 vote. The final hearing was tentatively scheduled for Wednesday, November 9, 2016 at 6:00 p.m.

Item No. 3: There were no speakers for general citizen communication.

Item No. 4.a: Discussion and possible action regarding the following:

Revisions to documents used to file a complaint with the ERC before the documents are added to the ERC website.

Discussion ensued, and the Chair and Vice Chair agreed to work with the City Clerk's Office and the City Law Department on complaint form revision proposals. An update was requested for the next meeting.

Item No. 4.b: Campaign Finance (City Code Chapter 2-2; Article 3, Section 8 of the City Charter), including a report from the working group. Nothing reported.

Item No. 4.c: Ethics and Financial Disclosure (City Code Chapter 2-7), including a report from the working group. Nothing reported.

Item No. 4.d: Lobby Regulation (City Code Chapter 4-8), including a report from the working group. Discussion ensued.

Item No. 4.e: 2016 City Council Election Candidate Forum, including a report from the working group. Nothing reported.

Item No. 5: A future agenda item was proposed involving forming a working group to explore recommendations for proposed Code revisions.

The Commission discussed setting final hearing for the Morgan v. Zimmerman complaint, and the Chair announced intention to set it for the next regular called meeting on November 9, 2016.

Commission Member Speight made a motion to adjourn, which was seconded by Commission Member Harding. The motion passed on a 10-0 vote. The meeting was adjourned at 7:40 p.m.