



ETHICS REVIEW COMMISSION MINUTES

**REGULAR MEETING
Wednesday, April 12, 2017**

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, April 12, 2017, at City Hall, 301 W. 2nd Street, Room 1027, in Austin, Texas.

Commission Chair Peter Einhorn called the meeting to order at 6:02 p.m.

Commission Members in attendance: Chair Peter Einhorn, Secretary Robert “Ben” Stratmann, Donna Beth McCormick, Debra Danburg (absent at 7:25 p.m.), Paul Quinzi, Brian Thompson, Dennis Speight, Fredda Holmes, and Meagan Harding. Vice Chair Matthew Lamon and Commission Member J. Michael Oheuri were absent.

City Staff in Attendance: Commission Executive Liaison and Assistant City Attorney Cynthia Tom, Commission Staff Liaison Sue Palmer, City Auditor Corrie Stokes, City Auditor’s Office Chief of Investigations Nathan Wiebe, Audit Investigator Temitope Eletu-Odibo, and Council Member Pool’s Chief of Staff Amy Smith.

Item No. 1: EXECUTIVE SESSION

The Commission will go into executive session to discuss legal issues related to a complaint filed on February 17, 2017, by Nathan Wiebe against Ashley Buchanan alleging violation of City Code Chapter 2-7 (Ethics and Financial Disclosure) (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

The Commission went into executive session at 6:06 p.m. and returned from executive session at 6:25 p.m.

Item No. 2: PRELIMINARY HEARING

Discussion and possible action regarding the following: the Commission will convene a preliminary hearing under Section 2-7-44 of the City Code to consider a complaint filed on February 17, 2017, by Nathan Wiebe against Ashley Buchanan alleging violation of City Code Chapter 2-7 (Ethics and Financial Disclosure).

Commission Member Thompson made a motion that reasonable grounds exist to believe that a violation has occurred and to proceed to final hearing, which was seconded by Commission Member Speight. The motion passed on a 9–0 vote, with Vice Chair Lamon and Commission Member Ohueri absent.

Commission Member Danburg made a motion that the Commission subpoena Don Pitts to appear as a witness at the final hearing, which was seconded by Commission Member Quinzi. The motion passed on a 9-0 vote, with Vice Chair Lamon and Commission Member Ohueri absent.

Commission Member Thompson made a motion that the Commission request a City Human Resources report regarding Don Pitts, which was seconded by Commission Member Speight. The motion passed on a 9–0 vote, with Vice Chair Lamon and Commission Member Ohueri absent.

Commission Member Speight made a motion that May 1, 2017, be set as the deadline for the parties to submit evidence for the final hearing, which was seconded by Commission Member Thompson. The motion passed on a 9–0 vote, with Vice Chair Lamon and Commission Member Ohueri absent.

Item No. 3: GENERAL CITIZEN COMMUNICATION

There were no speakers for general citizen communication.

Item No. 4: OLD BUSINESS

Discussion and possible action regarding the following:

Item No. 4.a.: City Code Chapter 2-2 (Campaign Finance) and City Charter, Article III (Elections), Section 8 (Limits on Campaign Contributions and Expenditures), including report from working group and possible recommendation to Council regarding proposed amendments to City Code Section 2-2-2 (Definitions) and Section 2-2-7 (Commencement of Campaign Period).

Commission Member Thompson made a motion that the Commission make a recommendation to the City Council recommending proposed amendments to City Code Section 2-2-2 and Section 2-2-7, which was seconded by Commission Member Speight. The motion passed on an 8–0 vote, with Vice Chair Lamon and Commission Members Danburg and Ohueri absent.

Commission Member Harding made a motion to appoint Commission Member Thompson to the Commission’s campaign finance working group, which was seconded by Secretary Stratmann. The motion passed on an 8–0 vote, with Vice Chair Lamon and Commission Members Danburg and Ohueri absent.

Item No. 4.b.: City Code Chapter 2-7 (Ethics and Financial Disclosure) and City Code Section 2-1-24 (City Boards: Conflict of Interest and Recusal), including expansion of the charge of the existing Commission working group associated with City Code Chapter 2-7 to also include City Code Section 2-1-24, and possible report from the working group regarding proposed City Code amendments.

Commission Member Harding made a motion to expand the charge of the existing Chapter 2-7 working group to also include City Code Section 2-1-24, which was seconded by Commission Member Thompson. The motion passed on an 8–0 vote, with Vice Chair Lamon and Commission Members Danburg and Ohueri absent.

Commission Member McCormick made a motion to add Commission Members Danburg and Holmes to the existing Chapter 2-7 and Section 2-1-24 working group, which was seconded by Commission Member Stratmann. The motion passed on an 8–

0 vote, with Vice Chair Lamon and Commission Members Danburg and Ohueri absent.

Item No. 5: NEW BUSINESS

Discussion and possible action regarding the following:

Item No. 5.a.: Introduction of new Commission Member Fredda Holmes.

Chair Einhorn introduced new Commission Member Fredda Holmes.

Item No. 5.b.: Annual Commission officer elections, for terms of May 1, 2017 – April 30, 2018.

Secretary Stratmann made a motion to nominate Chair Einhorn for another term as chair of the Commission, which was seconded by Commission Member McCormick. The motion passed on a 7–0-1 vote, Vice Chair Lamon and Commission Members Danburg and Ohueri absent, and Chair Einhorn abstaining.

Commission Member Speight made a motion to nominate Commission Member Meagan Harding for the position of vice chair, which was seconded by Commission Member McCormick. The motion passed on a 7–0-1 vote, with Vice Chair Lamon and Commission Members Danburg and Ohueri absent, and Commission Member Harding abstaining.

Commission Member Harding made a motion to nominate Secretary Stratmann for another term as secretary of the Commission, which was seconded by Commission Member Thompson. The motion passed on a 7–0-1 vote, with Vice Chair Lamon and Commission Members Danburg and Ohueri absent, and Secretary Stratmann abstaining.

Item No. 5.c.: Revision of the City’s Statement of Financial Information forms, filed in accordance with City Code Chapter 2-7 (Ethics and Financial Disclosure).

Commission Member Harding made a motion to approve the proposed revisions to the City’s statement of financial information forms and to delegate to the City Clerk the authority to incorporate the revisions into the online filing portal, which was seconded by Commission Member Speight. The motion passed on an 8–0 vote, with Vice Chair Lamon and Commission Members Danburg and Ohueri absent.

Item No. 5.d.: Revision of Commission complaint form and instructions relating to complaints filed in accordance with City Code Chapter 2-7 (Ethics and Financial Disclosure).

Commission Member Stratmann made a motion to approve the revision to the Word format complaint form and to remove the fillable pdf form from the Commission website, which was seconded by Commission Member Harding. The motion passed on an 8–0 vote, with Vice Chair Lamon and Commission Members Danburg and Ohueri absent.

Commission Member McCormick made a motion that the Commission's fillable pdf format complaint form be revised to include a dropdown menu listing all of the specific individual City Code sections which are capable of being violated, which was seconded by Commission Member Speight. The motion passed on an 8-0 vote, with Vice Chair Lamon and Commission Members Danburg and Ohueri absent.

Item No. 5.e.: Charges and membership of past, existing, and potential future Commission working groups, including working groups related to campaign finance, ethics and financial disclosure, lobbying, candidate forums, and Commission hearing rules.

Commission Member Quinzi made a motion to expand the charge of the existing Chapter 2-7 and Section 2-1-24 working group to include proposing revisions to the Commission's complaint form and hearing rules, which was seconded by Secretary Stratmann. The motion passed on an 8-0 vote, with Vice Chair Lamon and Commission Members Danburg, Ohueri, and Speight absent.

Item No. 6: APPROVAL OF MINUTES FROM THE MARCH 8, 2017 REGULAR COMMISSION MEETING.

Commission Member Harding made a motion to approve the minutes from the March 8, 2017 regular Commission meeting, which was seconded by Commission Member Thompson. The motion passed on a vote of 7-0, with Vice Chair Lamon and Commission Members Danburg, Ohueri, and Speight absent.

Item No. 7: FUTURE AGENDA ITEMS

Future agenda items discussed included: the preliminary hearing on the Wilson-King complaint and the final hearing on the Wiebe-Buchanan complaint.

Secretary Stratmann made a motion to adjourn, which was seconded by Commission Member Harding. The meeting was adjourned at 8:26 p.m.