



## **ETHICS REVIEW COMMISSION**

## **SPECIAL CALLED MEETING MINUTES Wednesday, November 1, 2017**

The Ethics Review Commission (“Commission”) convened in a special called meeting on Wednesday, November 1, 2017, at City Hall, 301 W. 2<sup>nd</sup> 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, Vice Chair Meagan Harding, Secretary Robert “Ben” Stratmann, Debra Danburg, Donna Beth McCormick, Mary Kahle, J. Michael Ohueri, Luis Soberon and Dennis Speight. Commission Members Fredda Holmes and Brian Thompson were absent.

City Staff in Attendance: Commission Staff Liaison Sue Palmer, Assistant City Attorney Chris Weema, and Purchasing Officer James Scarboro.

### **1. GENERAL CITIZEN COMMUNICATION**

The first five speakers signed up prior to the meeting being called to order will each be allowed a three-minute allotment to address their concerns regarding items not posted on the agenda.

**There were no speakers for general citizen communication.**

### **2. EXECUTIVE SESSION**

The Commission may go into executive session to discuss legal issues related to proposed amendments to Article 6 (Anti-lobbying and Procurement) 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 did not go into executive session.**

### **3. OLD BUSINESS**

Discussion and possible action regarding proposed amendments to Article 6 (Anti-lobbying and Procurement) of City Code Chapter 2-7 (Ethics and Financial Disclosure), including a possible recommendation to Council.

#### **Recommendation No. 1**

Motioned by: J. Michael Ohueri

Seconded by: Donna Beth McCormick

#### **Description of Recommendation to Council:**

Restricted communication period to begin four (4) business days after the day a solicitation is issued for the purpose of discouraging undue influence and giving respondents time to address policy concerns.

**Vote: 7-2**

For: Chair Peter Einhorn, Vice Chair Meagan Harding, Debra Danburg, Donna Beth McCormick, J. Michael Ohueri, Luis Soberon and Dennis Speight

Against: Secretary Robert “Ben” Stratmann and Mary Kahle

Abstain:

Absent: Fredda Holmes and Brian Thompson

### **Recommendation No. 2**

Motioned by: Debra Danburg

Seconded by: J. Michael Ohueri

#### **Description of Recommendation to Council:**

Restricted communications period to end 60 days following Council authorization or when the contract is executed, whichever is sooner.

**Vote: 9-0**

For: Chair Peter Einhorn, Vice Chair Meagan Harding, Secretary Robert “Ben” Stratmann, Debra Danburg, Mary Kahle, Donna Beth McCormick, J. Michael Ohueri, Luis Soberon, Dennis Speight

Against:

Abstain:

Absent: Commission Members Fredda Holmes and Brian Thompson

### **Recommendation No. 3**

Motioned by: Vice Chair Meagan Harding

Seconded by: Commission Member Donna Beth McCormick

#### **Description of Recommendation to Council:**

Accept working recommendation on enforcement, debarment and reporting obligation (adding Municipal Court to the option of third party due process).

**Vote: 9-0**

For: Chair Peter Einhorn, Vice Chair Meagan Harding, Secretary Robert “Ben” Stratmann, Debra Danburg, Mary Kahle, Donna Beth McCormick, J. Michael Ohueri, Luis Soberon and Dennis Speight

Against:

Abstain:

Absent: Fredda Holmes and Brian Thompson

### **Recommendation No. 4**

Motioned by: Debra Danburg

Seconded by: Dennis Speight

#### **Description of Recommendation to Council:**

Recommendation that Council work with staff and stakeholders on exploring implementation of the Model Procurement Rules of the American Bar Association or other best practices models.

**Vote: 9-0**

For: Chair Peter Einhorn, Vice Chair Meagan Harding, Secretary Robert “Ben” Stratmann, Debra Danburg, Mary Kahle, Donna Beth McCormick, J. Michael Ohueri, Luis Soberon and Dennis Speight

Against:

Abstain:

Absent: Fredda Holmes and Brian Thompson

### **Recommendation No. 5**

Motioned by: Secretary Robert “Ben” Stratmann

Seconded by: Vice Chair Meagan Harding

#### **Description of Recommendation to Council:**

Eliminate the proposed authority of the purchasing officer to consider “mitigating factors” in determining violations and instead authorize the appellate body to consider “mitigating factors” upon appeal.

**Vote: 9-0**

For: Chair Peter Einhorn, Vice Chair Meagan Harding, Secretary Robert “Ben” Stratmann, Debra Danburg, Mary Kahle, Donna Beth McCormick, J. Michael Ohueri, Luis Soberon and Dennis Speight

Against:

Abstain:

Absent: Fredda Holmes and Brian Thompson

## **5. FUTURE AGENDA ITEMS**

**No future agenda items were discussed.**

## **ADJOURNMENT**

**Commission Member Speight made a motion to adjourn, which was seconded by Vice Chair Harding. The motion passed on a 9-0 vote. Commission Members Holmes and Thompson were absent.**

**The meeting was adjourned at 8:39 p.m.**