



ETHICS REVIEW COMMISSION

REGULAR MEETING MINUTES Wednesday, January 10, 2018

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, January 10, 2018, at City Hall, 301 W. 2nd Street, Room 1027, in Austin, Texas.

Secretary Robert “Ben” Stratmann called the meeting to order at 6:03 p.m.

Commissioners in attendance: Secretary (Presiding Officer) Ben Stratmann, Debra Danburg, Donna Beth McCormick, Fredda Holmes, Mary Kahle, J. Michael Ohueri, Luis Soberon, and Brian Thompson.

City Staff in Attendance: Division Chief and Assistant City Attorney, Cindy Crosby; Assistant City Attorney, Lynn Carter; Commission Staff Liaison, Sue Palmer; City Auditor, Corrie Stokes; Deputy City Auditor, Jason Hadavi; Office of the City Auditor, Chief of Investigations, Nathan Wiebe; and Office of the City Auditor, Senior Investigator, Matthew Clifton.

1. EXECUTIVE SESSION

The Ethics Review Commission may announce it will go into Executive Session pursuant to Chapter 551 of the Texas Government Code to receive advice from legal counsel on any matters specifically listed on this agenda (Private Consultation with Attorney-Section 551.071).

The Commission will go into executive session to discuss legal issues related to:

- a. A complaint filed on July 17, 2017, by Nathan Wiebe against Stefan Sasko alleging violation of City Code Chapter 2-7 (Ethics and Financial Disclosure).
- b. A complaint filed on December 20, 2017, by Sara Black against Brian Manley, 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 6:05 p.m. on the above matters, and returned at 6:49 p.m.

3. NEW BUSINESS

Discussion and possible action regarding the following:

- a. Commission will review, and may sustain or overturn, the chair’s initial determination that the Commission lacks jurisdiction over a complaint filed on December 20, 2017, by Sara Black against Brian Manley, alleging violation of City Code, Chapter 2-7 (Ethics and Financial Disclosure), and may refer the complaint to the City Auditor, in accordance with City Code Section 2-7-41 (Complaints).

Secretary Ben Stratmann took up Item 3.a. out of order.

Commissioner Soberon made a motion to sustain Chair Peter Einhorn's initial determination, which was seconded by Commissioner Thompson. The motion passed on a unanimous vote of 8-0.

2. FINAL HEARINGS

Discussion and possible action regarding the following:

- a. A final hearing was held by the Commission under Section 2-7-44 of City Code to consider a complaint filed on July 17, 2017, by Nathan Wiebe against Stefan Sasko alleging violations of City Code Chapter 2-7 (Ethics and Financial Disclosure).

Commissioner Danburg made a motion that no violation occurred by Respondent Sasko in regard to the allegations in the complaint, which was seconded by Commissioner Thompson. The motion passed on a unanimous vote of 8-0. Members voting aye were: Presiding Officer Ben Stratmann and Commissioners: Danburg, Holmes, Kahle, McCormick, Ohueri, Soberon, and Thompson. Chair Peter Einhorn, Vice Chair Meagan Harding, and Commissioner Dennis Speight were absent.

3. NEW BUSINESS

Discussion and possible action regarding the following:

- b. Working group to update ERC rules.

Cindy Crosby, Law Department, requested the preference of the Rules Working Group for process for updating the rules to reflect the current City Code requirements. Commissioner Ohueri, a member of the Rules Working Group, requested the Law Department provide the working group with a red-line of changes needed to conform the rules to the City Code. No action was taken by the Commission.

- c. Videotaping and broadcast of ERC meetings on ATXN (City's government access channel via television and internet).

Cindy Crosby, Law Department, gave a briefing on the option for videotaping and broadcasting Commission meetings. This item will be put on the agenda for the next meeting.

- d. Commission's 2018 regular meeting schedule.

This item was considered in coordination with item 3(c) and will be put on the agenda for the next meeting.

- e. Amendments to City Code Chapter 2-7 (Ethics and Financial Disclosure) related to the ERC's subpoena power.

Cindy Crosby, Law Department, provided an update on Council action related to the Commission's subpoena power. The item was discussed with request for additional discussion at the February meeting.

4. 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.

5. APPROVAL OF MINUTES FROM THE NOVEMBER 1, 2017 SPECIAL CALLED MEETING AND NOVEMBER 8, 2017 REGULAR COMMISSION MEETING.

Commissioner Thompson made a motion to approve the minutes from the November 1, 2017 special called meeting, which was seconded by Commissioner Kahle. The motion passed on a unanimous vote of 8-0.

Commissioner Ohueri made a motion to approve the minutes from the November 8, 2017 regular meeting, which was seconded by Commissioner Soberon. The motion passed on a vote of 7-0-1. Members voting aye were Commissioners: Danburg, Holmes, Kahle, McCormick, Ohueri, Soberon, and Thompson. Presiding Officer Stratmann abstained. Chair Peter Einhorn, Vice Chair Meagan Harding and Commissioner Dennis Speight were absent.

6. FUTURE AGENDA ITEMS

The following future agenda items were discussed without formal vote or formal action:

- **Special called meeting to be held on January 24, 2018.**
- **ERC's subpoena power - executive session item.**

ADJOURNMENT

Commissioner Danburg made a motion to adjourn, which was seconded by Commissioner McCormick. The motion passed on a unanimous vote of 8-0. Chair Peter Einhorn, Vice Chair Meagan Harding and Commissioner Dennis Speight were absent. The meeting was adjourned at 8:54 p.m.

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least two (2) days (48 hours) before the meeting date. Please call Sue Palmer at the Law Department, at (512) 974-2915 for additional information; TTY users route through Relay Texas at 711.

For more information on the Ethics Review Commission, please contact Sue Palmer at (512) 974-2915 or Lynn Carter at (512) 974-2171.