



ETHICS REVIEW COMMISSION MINUTES

**REGULAR MEETING
Tuesday, April 12, 2011**

The Ethics Review Commission convened in a regular meeting on Tuesday, April 12, 2011, at 6:15 p.m. at Austin City Hall, 301 W. 2nd Street, Room 1033 in Austin, Texas.

Chair Henson called the Commission meeting to order at 6:15 p.m.

Board Members in Attendance:

Chair Jim Henson, Vice Chair Lisa Tsai, Velva Price, Susan Morrison, and James Sassin.

There was 1 speaker for agenda item 1 (Citizen Communication). DeeAnn Johnson spoke regarding her taxi cab franchise complaint.

Regarding agenda item 2, Tsai made a motion, seconded by Price, to approve the January 12, 2011 meeting minutes. Motion passed on a vote of 5-0.

Regarding agenda item 3, the Ethics Review Commission announced it was **not** going into closed session pursuant to Chapter 551 of the Texas Government Code (Private Consultation with Attorney-Section 551.071) to received advice from legal counsel on items 4.A. and 4.B.

The Ethics Review Commission took up item 4.A. (Preliminary Hearing under Section 2-7-44 to consider a Complaint by Mr. Nelson Linder against Mayor Lee Leffingwell). Outside Counsel Rex VanMiddlesworth provided the Commission with an overview of the preliminary hearing process and guided the Commission throughout the discussion, reminding the Commission of the by-laws requirement that all motions pass by a vote of at least 4 members. Mr. Linder spoke on his own behalf. City Assistant Attorney Robin Sanders spoke on the Mayor's behalf. Discussion followed. Tsai made a motion, seconded by Sassin, to dismiss the complaint; the motion failed a vote of 3-1 (Morrison voting no, Price abstaining). Morrison made a motion to Proceed to Hearing, and the motion failed for lack of a second. Morrison made a motion, seconded by Tsai, to dismiss but allow Mr. Linder to replead his complaint within 30 days; the motion failed on a vote of 2-2 (Sassin and Henson voting no, Price abstaining). Henson made a motion, seconded by Morrison, to Proceed to Hearing, the motion failed 1-3 (Henson, Tsai, and Sassin voting no, Price abstaining). No motions passing, per voting rules specified at 2-7-44, the complaint was dismissed.

The Ethics Review Commission took up item 4.B. (Preliminary Hearing under Section 2-7-44 to consider a Complaint by Mr. Nelson Linder against Mayor Pro Tem Martinez). Outside Counsel Rex VanMiddlesworth guided the Commission throughout the discussion, reminding the Commission of the by-laws requirement that all motions pass by a vote of at least 4 members. Mr. Linder spoke on his own behalf. City Assistant Attorney Robin Sanders spoke on the Mayor Pro Tem's behalf. Discussion followed. Morrison made a motion to Proceed to Hearing, and the motion failed for lack of a second. Tsai made a motion, seconded by Sassin, to Dismiss; motion failed on a vote of 3-1 (Morrison voting no, Price abstaining). No motions passing, per voting rules specified at 2-7-44, the complaint was dismissed.

The Ethics Review Commission discussed item 5.A. (Discussion of outcomes from candidate forum). The Chair expressed his gratitude to members Morrison and Tsai for all their effort, and to the League of Women Voters for their coordination of the event. No action was taken.

The Ethics Review Commission discussed item 5.B. (Bylaws approval update). A redline will be available at the next meeting. No action was taken.

The Ethics Review Commission discussed item 6 (Future agenda items). Future agenda items will include the Lions golf course matter discussed two meetings ago and discussion of the complaint mentioned during citizen communication.

Motion by Tsai, seconded by Sassin to adjourn, motion passed 5-0, at 8:05pm.