



ETHICS REVIEW COMMISSION

REGULAR MEETING MINUTES Wednesday, February 7, 2018

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, February 7, 2018, at One Texas Center, 505 Barton Springs Road, Suite 325, in Austin, Texas.

Chair Peter Einhorn called the meeting to order at 6:34 p.m.

Commissioners in attendance: Chair Peter Einhorn, Secretary Ben Stratmann, Debra Danburg (she left after executive session), Donna Beth McCormick, Fredda Holmes, Luis Soberon, Dennis Speight and Brian Thompson.

City Staff in Attendance: Division Chief and Assistant City Attorney, Cindy Crosby; Assistant City Attorney, Lynn Carter and Commission Staff Liaison, Sue Palmer.

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 may go into executive session to discuss legal issues related to:

- a. Scope of Commission’s authority when a complainant has requested to withdraw a complaint.
- b. Complaints filed November 28, 2017, by Fred Lewis against Respondents, David J. Anderson, Leah Bojo, Amanda Brown, Peter Cesaro, Stephen Drenner, Laci Ehlers, David Hartman, Will Herring, Jeff Howard, John Joseph, Michele Lynch, Pamela Madere, Nikelle Meade, Steve Metcalfe, Mark Nathan, Julianne Nickells, Amanda Swor, Michael Whellan and Talley Williams alleging violation of City Code, Chapter 4-8 (Regulation of Lobbyists), specifically a violation of Section 4-8-6 (A)(2) (Activity Reports) of City Code Chapter 4-8 (Regulation of Lobbyists).
- c. Amendments to City Code Chapter 2-7 (Ethics and Financial Disclosure) related to the ERC’s subpoena power
- d. A complaint filed on April 25, 2017, by Nathan Wiebe against Margo Frasier alleging violation of City Code Chapter 2-7 (Ethics and Financial Disclosure), including witness and evidentiary issues under City Code Section 2-7-46 (Oaths and Requests for Information) relating to the final hearing on the complaint.

Commissioner Thompson requested that they take up item 2.a. out of order before executive session.

2. PRELIMINARY HEARINGS

Discussion and possible action regarding the following:

- a. Discussion or possible action, including to convene a preliminary hearing on Complaints filed November 28, 2017, by Fred Lewis against Respondents, David J. Anderson, Leah Bojo, Amanda Brown, Peter Cesaro, Stephen Drenner, Laci Ehlers, David Hartman, Will Herring, Jeff Howard, John Joseph, Michele Lynch, Pamela Madere, Nikelle Meade, Steve Metcalfe, Mark Nathan, Julianne Nickells, Amanda Swor, Michael Whellan and Talley Williams alleging violation of City Code, Chapter 4-8 (Regulation of Lobbyists), specifically a violation of Section 4-8-6 (A)(2) (Activity Reports) of City Code Chapter 4-8 (Regulation of Lobbyists).

Commissioner Thompson made a motion to dismiss the complaints against all Respondents, which was seconded by Commissioner Danburg. The motion passed on a unanimous vote of 8-0. Members voting aye were: Chair Peter Einhorn, Secretary Ben Stratmann and Commissioners: Danburg, Holmes, McCormick, Soberon, Speight and Thompson. Vice Chair Meagan Harding and Commissioners Kahle and Ohueri were absent.

The Commission went into executive session at 6:43 p.m. on the above matters, and returned at 7:56 p.m.

3. OLD BUSINESS

Discussion and possible action regarding the following:

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

No discussion or action.

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

The Commission agreed to let staff upload the audio of the ERC meetings to the Boards and Commissions Information Center beginning in March.

- c. Commission's 2018 regular meeting schedule.

This item was considered in coordination with item 3(b).

4. NEW BUSINESS

- a. Candidate and Officeholder Brochure.

Commission Thompson made a motion to approve the Candidate and Officeholder Brochure for Campaign Finance with the edits to the sections dealing with time restrictions on candidate fund raising and the restrictions on the use of campaign contributions as presented, which was seconded by Commissioner Stratmann. The motion passed on a unanimous vote of 7-0. Members voting aye were: Chair Peter Einhorn, Secretary Ben Stratmann and Commissioners: Holmes, McCormick, Soberon, Speight and Thompson. Vice Chair Meagan Harding and Commissioners Danburg, Kahle and Ohueri were absent.

- b. Recommendations, if any, to the Charter Review Commission regarding campaign finance, ethics, and financial disclosure.

There was no motion or action.

- c. Amendments to City Code Chapter 2-7 (Ethics and Financial Disclosure) regarding the Commission's authority to dismiss complaints when withdrawn by the complainant.

Commissioner Thompson made a motion to amend section 2-7-26 functions, which was seconded by Commissioner Speight. Members voting aye were: Chair Peter Einhorn, Secretary Ben Stratmann and Commissioners: Holmes, McCormick, Soberon, Speight and Thompson. The motion passed on a unanimous vote of 7-0. Vice Chair Meagan Harding and Commissioners Danburg, Kahle and Ohueri were absent.

Commission Thompson made a motion to amend City Chapter 2-7-41 by adding section (i) to state that if a Complainant requests to withdraw a complaint, the complaint should be automatically dismissed, which was seconded by Secretary Stratmann. The motion passed on a unanimous vote of 7-0. Members voting aye were: Chair Peter Einhorn, Secretary Ben Stratmann and Commissioners: Holmes, McCormick, Soberon, Speight and Thompson. Vice Chair Meagan Harding and Commissioners Danburg, Kahle and Ohueri were absent.

5. 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.

6. APPROVAL OF MINUTES FROM THE JANUARY 10, 2018 REGULAR COMMISSION MEETING

Secretary Stratmann made a motion to approve the minutes, which was seconded by Commissioner McCormick. The motion passed on a vote of 6-0-1. Members voting aye were: Secretary Ben Stratmann and Commissioners: Holmes, McCormick, Soberon, Speight and Thompson. Chair Peter Einhorn abstained. Vice Chair Meagan Harding and Commissioners Danburg, Kahle and Ohueri were absent.

7. FUTURE AGENDA ITEMS AND FUTURE SPECIAL CALLED OR REGULAR MEETINGS

The 2 -7 working group will work on amending the hearing rules.

ADJOURNMENT

Secretary Stratmann made a motion to adjourn, which was seconded by Commissioner Speight. The motion passed on a unanimous vote of 7-0. Members voting aye were: Chair Peter Einhorn, Secretary Ben Stratmann and Commissioners: Holmes, McCormick, Soberon, Speight and Thompson. Vice Chair Meagan Harding and Commissioners Danburg, Kahle and Ohueri were absent. The meeting was adjourned at 9:00 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.