



## **ETHICS REVIEW COMMISSION**

## **MEETING MINUTES**

**Wednesday, October 9, 2019**

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, October 9, 2019, City Hall, Room 1027, 301 W. 2<sup>nd</sup> Street, Austin, Texas.

Chair Mary Kahle called the meeting to order at 7:00 p.m.

Commissioners in attendance: Chair Mary Kahle, Vice-Chair Luis Soberon, and Commissioners Betsy Greenberg, Donna Beth McCormick, Nathan Ryan, and Pedro Villalobos. Secretary Kenneth “Tray” Gober and Commissioners Debra Danburg, Raafia Lari, Robin Lerner, and J. Michael Ohueri were absent.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney; Caroline Webster, Assistant City Attorney; and Sue Palmer, Commission staff liaison, Law Department.

### **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 matter specifically listed on this agenda (Private Consultation with Attorney-Section 551.071).

The Commission went into executive session to discuss legal issues related to:

The Chair’s initial determination that the Commission lacks jurisdiction over a complaint filed on August 23, 2019 by Carlos Leon against Rebecca Austen, which alleged violation of City Code, Chapter 2-1 (City Boards), Sections 2-1-2, 2-1-3, 2-1-21, 2-1-24, 2-1-43, and 2-1-48.

**The Commission went into executive session at 7:02 p.m., and the open meeting resumed at 7:25 p.m.**

### **2. PRELIMINARY HEARING 7:30 p.m.**

Discussion and possible action regarding the following:

A complaint filed by Matthew Mackowiak, against Natasha Harper-Madison, which complaint alleges violation of City Code Chapter 2-2 (Campaign Finance) Section 2-2-7 (Commencement of Campaign Period).

**Due to the lack of a quorum of members for this item, the preliminary hearing was postponed.**

### **3. JURISDICTIONAL DETERMINATION**

Discussion and possible action regarding the following:

The Chair's initial determination that the Commission lacks jurisdiction over a complaint filed on August 23, 2019 by Carlos León against Rebecca Austen, which alleged violation of City Code, Chapter 2-1 (City Boards), Sections 2-1-2, 2-1-3, 2-1-21, 2-1-24, 2-1-43, and 2-1-48.

**Vice-Chair Soberon made a motion to concur with Chair Kahle's determination that the Commission lacks jurisdiction over the complaint, which was seconded by Commissioner Greenberg. The motion passed unanimously. Voting in favor: Chair Kahle, Vice-Chair Soberon, and Commissioners Greenberg, McCormick, Ryan, and Villalobos. Secretary Gober and Commissioners Danburg, Lari, Lerner, and Ohueri were absent.**

### **3. OLD BUSINESS**

Discussion and possible action regarding the following:

- (a) Ethics Review Commission Rules and Bylaws applicable to general citizen communications, as well as citizen communications on agenda items.

**Commissioner Greenberg made a motion to move general citizen communication to the beginning of the meeting without an agenda number; that the number of speakers for general citizen communications be limited to five persons; and that the time limit per speaker be three minutes per person, which was seconded by Commissioner Ryan. The motion failed on a vote of 4-2. Voting in favor: Commissioners Greenberg, McCormick, Ryan, and Villalobos. Voting against Chair Kahle and Vice-Chair Soberon. Secretary Gober and Commissioners Danburg, Lari, Lerner and Ohueri were absent.**

### **4. APPROVAL OF MINUTES–SEPTEMBER 11, 2019 REGULAR COMMISSION MEETING.**

**Vice-Chair Soberon moved that the minutes from September 11, 2019 regular commission meeting, with the correction on page two, be approved, which was seconded by Commissioner McCormick. The motion passed unanimously. Voting in favor: Chair Kahle, Vice-Chair Soberon, and Commissioners Greenberg, McCormick, Ryan, and Villalobos. Secretary Gober and Commissioners Danburg, Lari, Lerner, and Ohueri were absent.**

### **5. FUTURE AGENDA ITEMS**

**Citizen communication rules.**

### **6. GENERAL CITIZEN COMMUNICATION**

Each person who signed up to speak prior to the meeting being called to order and who designated this item on which to speak, or who did not designate an agenda item on which to

Speak will be allowed two-minutes to speak.

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

## **ADJOURNMENT**

**Commissioner Greenberg made a motion to adjourn, which was seconded by Commissioner Villalobos. Without objection, the meeting adjourned at 7:55 p.m.**