



## **ETHICS REVIEW COMMISSION**

## **MEETING MINUTES**

**Wednesday, November 14, 2018**

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, November 14, 2018, at City Hall, 301 W. 2<sup>nd</sup> Street, Room 1027, in Austin, Texas.

Vice-Chair Dennis Speight called the meeting to order at 6:01p.m.

Commissioners in attendance: Vice Chair Dennis Speight, Secretary Luis Soberon, Debra Danburg, Peter Einhorn, Tray Gober, Mary Kahle, Donna Beth McCormick, J. Michael Ohueri, and Brian Thompson.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney; Sue Palmer, Commission Staff Liaison; and Jannette Goodall, City Clerk.

### **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 concerns regarding items not posted on the agenda.

**No speakers signed up for general citizen communication.**

### **2. 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 did not go into executive session.**

### **3. NEW BUSINESS**

Discussion and possible action regarding the following:

- a. Amendments to City Code Chapter 2-7 related to anti-discrimination/anti-harassment policies application to board and commission members.

**Exhibit “A” to these minutes is a copy of the proposed ordinance considered by the Commission. Commissioner Einhorn made a motion, which was seconded by Commissioner Kahle, to make a recommendation that City Council not place enforcement of the proposed anti-discrimination/anti-harassment policy within the jurisdiction of the Ethics Review Commission. The motion passed on a 9-0 vote. Those voting aye: Vice Chair Speight; Secretary Soberon; and Commissioners Danburg, Einhorn, Gober, Kahle, McCormick, Ohueri, and Thompson. Chair Stratmann was absent.**

b. 2019 meeting calendar.

**Commissioner Thompson made a motion, which was seconded by Commissioner Einhorn, to approve the 2019 meeting calendar (with dates only, no location or time of meeting specified). Exhibit “B” to these minutes reflects the meeting dates approved. The motion passed on 9-0 vote. Those voting aye: Vice Chair Speight; Secretary Soberon; and Commissioners Danburg, Einhorn, Gober, Kahle, McCormick, Ohueri, and Thompson. Chair Stratmann was absent.**

**5. APPROVAL OF MINUTES FROM THE SEPTEMBER 19, 2018 SPECIAL CALLED COMMISSION MEETING.**

**Commissioner Einhorn made a motion to approve the minutes, which was seconded by Secretary Soberon. The motion passed on 8-0-1 vote. Those voting aye: Vice Chair Speight; Secretary Soberon; and Commissioners Danburg, Einhorn, Gober, Kahle, McCormick, and Thompson. Commissioner Ohueri abstained. Chair Stratmann was absent. The September meeting minutes were adopted.**

**6. FUTURE AGENDA ITEMS**

**Commissioner Thompson raised a political advertisement by the Indy Austin PAC as a potential item to be included on a future meeting agenda. Commissioner Einhorn agreed to co-sponsor the item on a future agenda. The commission also discussed pending complaints and postponements.**

**ADJOURNMENT**

**Commissioner Einhorn made a motion to adjourn, which was seconded by Secretary Soberon. Without objection, the meeting was adjourned at 6:45 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.

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CITY CODE CHAPTERS 2-1 (*City Boards*) AND 2-7 (*Ethics and Financial Disclosure*) RELATING TO ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICIES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Subsection (B) of City Code Section 2-1-23 (*Training*) is amended to read:

- (B) Each board member must complete a board course developed by City staff not later than the 90th day after the date of the member's appointment or reappointment. The training shall include:
- (1) a review of a board member's personal and ethical responsibilities;
  - (2) the role of council and staff and the council-manager form of government;
  - (3) the role of advisory boards in making recommendations and advising council;
  - (4) board procedures, including attendance and quorum;
  - (5) the City's business planning process;
  - (6) Government Code Chapter 551 ( *Open Meetings Act* ), Robert's Rules of Order, and Americans with Disabilities Act requirements;
  - (7) conflict resolution;
  - (8) the use of a City e-mail account for board-related business; and
  - (9) a review of the City's Standards of Conduct in Chapter 2-7.

**PART 2.** City Code Section 2-7-62 (*Standards of Conduct*) is amended to add a new Subsection (P) to read:

- (P) No City official or employee shall engage in conduct or use language that is offensive, harassing, sexually suggestive, or hostile toward an individual or a group because of a protected class, when interacting with other City officials or City employees, or when interacting with members of the public when the interaction is part of the official or employee's official duties. Protected classes include race, color, religion, sex, gender, pregnancy status, genetic information, sexual orientation, gender identity, national origin, ethnicity, age, disability, and veteran status, or other legally protected class. Examples of prohibited conduct include:
- (1) use of epithets, innuendos, names, comments, foul language, or slurs based on a protected class;
  - (2) ridicule or mockery, insults, jokes, pranks, or other banter, including stereotyping based on a protected class;
  - (3) distribution, display, or discussion of any written or graphic material, including online content, voicemail, email, text messages, calendars, posters, and cartoons that are sexually suggestive or show hostility based on a protected class;
  - (4) unwelcome sexual advances or requests for sexual favors; or
  - (5) physical assault, threat, or intimidation.

**PART 3.** This ordinance takes effect on \_\_\_\_\_, 2018.

**PASSED AND APPROVED**

\_\_\_\_\_, 2018      §  
   §  
   § \_\_\_\_\_  
   Steve Adler  
   Mayor

**APPROVED:** \_\_\_\_\_  
                         Anne L. Morgan  
                         City Attorney

**ATTEST:** \_\_\_\_\_  
                         Jannette S. Goodall  
                         City Clerk

**Ethics Review Commission  
Regular Meeting Schedule for 2019**

- January 9, 2019
- February 13, 2019
- March 13, 2019
- April 10, 2019
- May 8, 2019
- June 12, 2019
- July 10, 2019
- August 14, 2019
- September 11, 2019
- October 9, 2019
- November 13, 2019
- December 11, 2019

Meeting Day: second Wednesday of each month

**Exhibit “B”** to Ethics Review Commission’s November 14, 2018 meeting minutes