



ETHICS REVIEW COMMISSION

MEETING MINUTES

Wednesday, December 12, 2018

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, December 12, 2018, at City Hall, 301 W. 2nd Street, Room 1029, 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, Donna Beth McCormick, and J. Michael Ohueri. Chair Stratmann and Commissioners Kahle and Thompson were absent.

City Staff in Attendance: Ashley Glotzer, Division Chief; Lynn Carter, Commission Executive Liaison & Assistant City Attorney; Loren Doyen, Paralegal; and Jason Hadavi, Deputy City Auditor.

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.

There was one speaker 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 matter specifically listed on this agenda (Private Consultation with Attorney-Section 551.071).

A complaint filed on October 10, 2018, by Juan Penelas, against James Duncan alleging violation of Section 2-1-24 (Conflict of Interest and Recusal) of City Code Chapter 2-1 (City Boards).

The Commission went into executive session at 6:05 p.m. on the above matter, and returned at 6:38 p.m.

3. PRELIMINARY HEARINGS

Discussion and possible action regarding the following:

- (a) The Commission will convene a preliminary hearing under Section 2-7-44 of City Code to consider a complaint filed on October 10, 2018, by Juan Penelas, against James Duncan alleging violation of Section 2-1-24 (Conflict of Interest and Recusal) of City Code Chapter 2-1 (City Boards).

At the conclusion of the preliminary hearing, Commissioner Danburg made a motion to dismiss and not go to final hearing, which was seconded by Commissioner McCormick.

After discussion, Commissioner Danburg withdrew the motion. Commissioner Ohueri made a motion, which was seconded by Commissioner Speight, to find reasonable grounds that a violation has occurred and to move to a final hearing. The motion failed due to the lack of six favorable votes. Members voting Aye: Vice-Chair Speight and Commissioners Einhorn, Gober, and Ohueri. Members voting naye: Secretary Soberon and Commissioners Danburg and McCormick. Chair Stratmann and Commissioners Kahle and Thompson were absent.

(b) The Commission will convene a preliminary hearing under Section 2-7-44 of City Code to consider a complaint filed on November 2, 2018, by Fred I. Lewis against Angela de Hoyos Hart, Campaign Treasurer of No On Prop J PAC, which complaint alleges violation of Section 2-2-32 (Political Committees) of City Code Chapter 2-2 (Campaign Finance).

Vice Chair Speight reported that this preliminary hearing was postponed due to scheduling conflicts.

4. NEW BUSINESS

Discussion and possible action regarding the following:

Draft ordinance that proposes changes to the City Code Chapter 2-7 (Ethics and Financial Disclosure) and City policy related to gifts and use of city property.

Division Chief of Ethics and Compliance/Open Government Ashley Glotzer updated the Commission.

(a) **Commissioner Einhorn made a motion to endorse Part 1 of the draft ordinance, which was seconded by Secretary Soberon.**

The motion passed on a unanimous vote. Members voting aye: Vice-Chair Speight, Secretary Soberon, and Commissioners Danburg, Einhorn, Gober, McCormick, and Ohueri. Chair Stratmann and Commissioners Kahle and Thompson were absent.

(b) **Commissioner Danburg made a motion to endorse Part 2 of the draft ordinance, which was seconded by Commissioner Ohueri,**

The motion passed on a unanimous vote. Members voting aye: Vice-Chair Speight, Secretary Soberon, and Commissioners Danburg, Einhorn, Gober, McCormick, and Ohueri. Chair Stratmann and Commissioners Kahle and Thompson were absent.

5. APPROVAL OF MINUTES FROM THE NOVEMBER 14, 2018 REGULAR COMMISSION MEETING.

Secretary Soberon made a motion to approve the minutes from the November 14, 2018 regular Commission meeting, which was seconded by Commissioner Einhorn. The motion passed on a unanimous vote. Members voting aye: Vice-Chair Speight, Secretary Soberon, and Commissioners Danburg, Einhorn, Gober, McCormick, and Ohueri. Chair Stratmann and Commissioners Kahle and Thompson were absent.

6. FUTURE AGENDA ITEMS

Future agenda items were discussed.

ADJOURNMENT

Commissioner Einhorn made a motion to adjourn, which was seconded by Secretary Soberon. Without objection, the meeting adjourned at 8:03 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.