

CITY OF EL PASO ETHICS REVIEW COMMISSION
COMPLAINT FORM

CITY CLERK DEPT.
2016 JAN 26 AM 9:45

Please refer to the instructions accompanying this form for assistance in filling out this form and filing it with the City Clerk's Office. A complaint may be filed against a City officer for the officer's acts or omissions, as regulated in Section 2.92.050 of the Ethics Ordinance. A "City officer" is a member of the City Council and the members of most of the boards and commissions of the City. This form cannot be used to file a complaint about a City employee—please refer to the instructions.

1. Name: Barbara Carrasco

2. Address: 981 Vereda del Valle, El Paso, Tx 79932

3. Telephone number: Day: 915-329-3415 Evening: 915-329-3415

4. Name and title of each City officer being complained about:

Councilwoman Claudia Ordaz

5. General statement of the nature of the complaint and alleged violation of the ethics ordinance, to include whenever possible, the specific section of the Ethics Ordinance allegedly violated.
Ms. Ordaz violated Sec. 2.92.010, Policy and Purpose, paragraph A, attached as Exhibit "A" by violating Gov't Code Chapter 551, Section 551.146 which is a Class B Misdemeanor. Exhibit "C"

6. A statement of the facts that constitute the alleged violation and the dates on which or period of time in which the alleged violation occurred (attach additional pages, if necessary).
On June 1, 2015 during an executive closed door agenda-review meeting, Ms Ordaz texted the status of economic incentive negotiations, Executive Items 6 and 7, regarding Sun City's desire to locate facilities on the east and west side of El Paso, to a member of the public. In addition, Ms Ordaz repeated a comment made by another councilman during the executive closed door agenda-review meeting. Exhibit "B".

7. Provide relevant documentation or a list of all documents and other material relevant to the allegation, including the location of any such documents, if known.

Exhibit "A" is #46797 v1 - Ord-09/Ethics ordinance revisions/Chapter 2.92010, 017112

Exhibit "B" (3 of 4 and 4 of 4) open records request #W037275-081015

Exhibit "B" (1 of 4 and 2 of 4) is copy pages 82 @ 83 text messages sent during executive closed-door meeting on June 1, 2015

Exhibit "C" is Government Code Chapter 551, Open Meetings, 551.146 (a) , (1), (b)

Video of June 1st regarding executive closed-door deliberation meeting, recommended by Sylvia Firth, may be verified on City website

Please continue with page 2 and complete the required affidavit. You may appear in person and request the City Clerk's Office to notarize the complaint at the time that you sign and file it.

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STATE OF TEXAS)
)
COUNTY OF EL PASO)

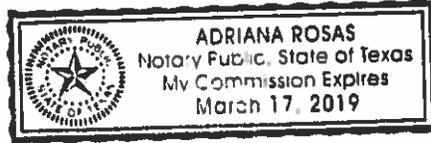
BEFORE ME, the undersigned authority, personally appeared the person whose name is written above on line 1 of this form, being by me duly sworn, deposed as follows:

“I hereby swear or affirm that the information contained in this complaint is either true and correct or I have good reason to believe and do believe that the facts alleged therein constitute a violation of Chapter 2.92 of the El Paso City Code.”

B Carrasco
(SIGNATURE)

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, by

Barbara Carrasco, on this the 20th day of January, 2016.



Adriana Rosas

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES:

03-17-2019

For City use only: Received on _____ by _____

Forwarded to the City Attorney's Office on _____

Disposition: _____

10

CITY CLERK DEPT.

ORDINANCE NO. 017112

2016 JAN 26 AM 9:45

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS); TO AMEND SECTIONS 2.92.010 THROUGH 2.92.090 AND SECTION 2.92.150; TO ADD NEW DEFINITIONS AND STANDARDS OF CONDUCT, REVISE THE DUTIES AND PROCEDURES OF THE ETHICS REVIEW COMMISSION, REVISE THE PROCESS FOR RECEIVING AND REPORTING GIFTS, CREATE RESTRICTIONS FOR OFFICERS AND EMPLOYEES LEAVING CITY SERVICE, REVISE THE COMPLAINT PROCESS, AND CREATE ADDITIONAL VIOLATIONS; THE PENALTY BEING AS PROVIDED IN SECTIONS 2.92.150 AND 1.08.010 - 1.08.030 OF THE EL PASO CITY CODE.

WHEREAS, in 2007, the voters of the City added provisions in the Charter relating to the Ethics Review Commission and conferred duties upon the Commission; and

WHEREAS, the City Council requested a complete review of the City's Ethics Ordinance by the Council Rules Legislative Review Committee and the Ethics Review Commission; and

WHEREAS, the Ethics Review Commission presented a draft of extensive revisions to the Council Rules Legislative Review Committee on March 11, 2009, which made a detailed review of the recommendations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

Section 1. That Section 2.92.010 (Policy) of the El Paso City Code, is amended to read as follows:

2.92.010 Policy and Purpose

- A. All city officers and employees have a fiduciary duty to the citizens of the city to be ethical in fulfilling the responsibilities of their positions. At the very least, being ethical includes being disposed to comply with all laws that apply to one's position.
- B. Ethical conduct is motivated by sources inside and outside the law. The Texas local government, Election and Penal Codes regulate aspects of the conduct of city officers and employees. However, as ethical conduct is more than complying with state codes, the city strongly encourages all of its officers and employees to maintain the highest personal values and standards. While it is impossible to establish specific and exhaustive standards for all situations, the standards established in this chapter are minimum standards below which no city officer or employee's conduct should fall. This chapter has the following purposes:

CITY CLERK DEPT.
09 APR 22 PM 3:14

017112 EXHIBIT "A"

[6/1/15 10:42 AM] iPhone (3): We spoke about the exec items in agenda review today

[6/1/15 10:40 AM] iPhone (3): Hospital item dead :) sold the idea about not offering charity/unfunded care and council agreed. Also Noe compared these like casinos.

[5/30/15 7:09 AM] iPhone (3): Ok. The more info the better so I appreciate it very much. I'll call you monday

[5/30/15 7:09 AM] Veronica Escobar (9154336041): There are more reasons. Let's talk Monday. Thanks and have a great weekend!

[5/30/15 6:58 AM] iPhone (3): Good to know. Thanks judge. Completely agree and I'll definitely make sure and voice that. I'll let you know how it goes!

[5/30/15 6:54 AM] Veronica Escobar (9154336041): The name of the company is Sun City. No private health care company in EP should ever get tax breaks. I bet they would do zero charity/unfunded care. At least Tenet and HCA take care of unfunded patients. I bet these stand alone shops don't.

[5/28/15 7:25 PM] iPhone (3): Ok. Sounds good. I'll call you in tomorrow

[5/28/15 6:59 PM] Veronica Escobar (9154336041): Yes. Just wondering about those incentives for medical facilities on the east and west side that are on your agenda

[5/28/15 6:40 PM] iPhone (3): Hi judge. Yes of course. Im in austin right now with Vince's fam but I'll have some alone time tomorrow. Everything ok?

Conversation between iPhone (3) and Vincent (9153731013)

[8/5/15 4:10 PM] iPhone (3): I know

[8/5/15 4:09 PM] Vincent (9153731013): Youve gotta learn from it an move on. You have too much work to do to dwell on this and let you bring it down.

[8/5/15 4:09 PM] iPhone (3): I'm not behind my decision

[8/5/15 4:09 PM] iPhone (3): Even if he's not

[8/5/15 4:09 PM] Vincent (9153731013): Jorge is on your side

[8/5/15 4:08 PM] iPhone (3): Can't shake this feeling off

[8/5/15 1:16 PM] iPhone (3): Just shows how different we are

[8/5/15 1:16 PM] Vincent (9153731013): So u couldnt have been able to change the outcome

[8/5/15 1:16 PM] Vincent (9153731013): Well there u go

[8/5/15 1:15 PM] iPhone (3): Spoke with peter. He doesn't feel the least bit bad. He said he feels more comfortable with this vote than any other he's taken.

[7/20/15 10:41 AM] Vincent (9153731013): Hmmm

[7/20/15 10:14 AM] iPhone (3): Actually the major is acting awfully nice. Made it a point to talk to me

[7/20/15 10:14 AM] iPhone (3): It's great!

[7/20/15 10:14 AM] iPhone (3): Lol no one is talking to me!

[7/20/15 10:13 AM] Vincent (9153731013): How is it with your colleagues?

[3/25/15 1:30 PM] iPhone (3): Hey Tommy! Favor to ask of you. As you know It's campaign season and a lot of my signs are being taken down. I'm thinking its code compliance. There is a sign that was taken down on zaragosa and rabe. And now my opponent has a sign up there. Since code compliance took my sign down there, can you have them take down his as well? Equal treatment :)

[3/7/15 11:13 AM] Tommy Gonzalez [Personal] [REDACTED] K. Was having issues with text messages

[3/7/15 10:53 AM] iPhone (3): Yes I am. I got test and thank you for the kind words

[3/7/15 10:53 AM] Tommy Gonzalez [Personal] [REDACTED] R u getting my text messages? My phone is on the fritz

[3/7/15 9:58 AM] Tommy Gonzalez [Personal] [REDACTED] Test

[3/7/15 9:58 AM] Tommy Gonzalez [Personal] [REDACTED] Thank you for the kind words.

[3/6/15 7:18 PM] Tommy Gonzalez [Personal] [REDACTED] Thank you for the kind words.

[3/6/15 6:15 PM] iPhone (3): Heard you rocked it last night at the Lulac event. Congratulations! Thanks for making a lasting impression on this community

Conversation between iPhone (3) and Veronica Escobar (9154336041)

[7/20/15 5:03 PM] iPhone (3): Thanks Judge and yes I'd absolutely love that!

[7/20/15 5:02 PM] Veronica Escobar (9154336041): You're awesome. Keep your chin up!!! The city is damn lucky to have you. Let's get together this week for drinks and laughs to shake off some of the bad vibes from work, if you like. @

[7/20/15 4:58 PM] iPhone (3): Being on this island... all I need is a Mai Tai! 🍹

[7/20/15 4:57 PM] iPhone (3): Hi Judge! Thanks for asking. Things are ok... getting better. No one is talking to me still but I feel in the end, this will only make the city better.

[7/20/15 4:27 PM] Veronica Escobar (9154336041): How was your day? Better, I hope?

[7/19/15 11:54 PM] iPhone (3): Thanks judge. It's awful the city sent him there. I felt so bad.

[7/19/15 11:53 PM] Veronica Escobar (9154336041): You did great! I felt sorry for Matthew and I think the rest of council looks terrible

[7/19/15 11:44 PM] iPhone (3): Hi Judge! Sorry for the delayed response. I was emotionally preparing for today!

[7/19/15 6:14 PM] Veronica Escobar (9154336041): How are you doing?

[7/17/15 3:52 PM] Veronica Escobar (9154336041): The guy Carl appointed to the Charter committee (Thackson), who pushed moving the elections back to May was recommended by the Republican party

[6/1/15 10:42 AM] iPhone (3): Thank you for putting this on my radar!! Team work

[6/1/15 10:42 AM] Veronica Escobar (9154336041): Good for you!!! Thanks for protecting the taxpayer!



CITY CLERK DEPT.
2016 JAN 26 AM 9:45

Office of the City Attorney

Mayor
Oscar Leeser

September 3, 2015

City Council

District 1
Peter Svarzbein

Via Electronic Mail - Public Information Center

Mr. Ali Enrique Razavi
803 Fair Lawn Street
Allen TX 75002

District 2
Larry Romero

RE: **Open Records Request** # W037275-081015

District 3
Emma Acosta

Dear Mr. Razavi:

District 4
Carl L. Robinson

Your request, received August 10, 2015, has been forwarded to me and is being treated as a request for records under the Texas Public Information Act (Tex. Gov't Code Ann. §552.001 *et seq.*). You requested the following information:

District 5
Dr. Michiel R. Noe

"...Seeking all text messages sent to and from City Representative Claudia Ordaz's personal communication device regarding official city business (Starting period: March 1st-August 1st 2015). Most recently a text message regarding official city business from Rep. Ordaz was published on the following website (also attached) :<http://thelionstarblog.blogspot.com/2015/08/veto-override.html>"."

District 6
Claudia Ordaz

District 7
Lily Limón

The information you requested contains the home address, home telephone number, emergency contact information, social security number, and/or family member information of a public employee or official has chosen to make his personal information confidential. Our office is prohibited by law from releasing this personal information to you, and therefore we have removed this information from the enclosed information we are providing to you.

District 8
Cortney C. Niland

City Manager
Tommy Gonzalez

Normally, we must request a ruling from the Texas Attorney General before we can withhold any of the information you requested. However, section 552.024 allows us to withhold this specific information without requesting a ruling from the attorney general.

You have the right to appeal our decision to withhold this information from you. Instructions for appeal are at the end of this letter. If you do not want to appeal, you do not need to do anything else. Please note that we are only withholding the specific categories of information that are confidential under section 552.024. We will process the rest of your request for information in accordance with the terms of the Public Information Act.

Sylvia Borunda Firth
300 N. Campbell | El Paso, Texas 79901 | (915) 212-0033

"Delivering Outstanding Services"

EXHIBIT "B" 3

CITY CLERK DEPT.
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Attached please find the documents responsive to your open records request. Because the documents are being transmitted electronically, there will be no charge for this response, and this matter is now considered closed.

Sincerely,



Jessica Cordero
Public Records Coordinator

Attachment

EXHIBIT "B" 4

GOVERNMENT CODE CHAPTER 551. OPEN MEETINGS

CITY CLERK DEPT.
2016 JAN 26 AM 9:45

151.145.

CLOSED MEETING WITHOUT CERTIFIED AGENDA OR TAPE RECORDING;

OFFENSE; PENALTY. (a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

551.146.

DISCLOSURE OF CERTIFIED AGENDA OR TAPE RECORDING OF CLOSED

MEETING; OFFENSE; PENALTY; CIVIL LIABILITY. (a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a) (1) is a Class B misdemeanor.

EXHIBIT "C"