

MINUTES

ETHICS REVIEW COMMISSION MEETING JANUARY 8, 2009 5TH FLOOR AMERICAS CONFERENCE ROOM - 5:00 P.M.

MEMBERS PRESENT

Gerald Mangrum, Mayoral
Richard D. Pineda, District #1
Andre Ewing, District #4
Rodney Hansen, District #5
Paul Harrington, District #6
Alexander Neill, District #7

MEMBERS ABSENT

Raymundo Rodriguez, District #2
Yusuf Faran, District #3
Isela Pena, District #8

OTHERS PRESENT

Elaine S. Hengen, Senior Assistant City Attorney
Sandra Dunsavage, Recording Secretary

I. CALL TO ORDER

Seeing a quorum, Chair Gerald Mangrum called the meeting to order at 5:02 p.m.

II. APPROVAL OF MINUTES FOR DECEMBER 9, 2009.

Dr. Pineda moved to approve the minutes of December 9, 2008. Mr. Neill seconded motion and the motion passed unanimously.

III. DISCUSSION AND ACTION REGARDING SEMI-FINAL DRAFT OF PROPOSED REVISIONS TO THE ETHICS ORDINANCE.

Chair Mangrum proposed to members that the draft be reviewed page by page and if anyone had any issues to present regarding the draft to point it out upon reaching each page.

Mr. Hansen asked for the definition of the term “consanguinity” found on page 4.

Ms. Hengen explained that the Charter prohibits a Council Member from appointing a relative in the first degree or second of affinity or consanguinity. Affinity is related by marriage and consanguinity is related by blood. Relatives in the first degree are your spouse, your children, and your parents. Relatives in the second degree are those persons who are related to them by 1 degree that would include an uncle, a brother, and a sister. A relative in the third degree goes out 1 degree further that would include a cousin, a niece, and a nephew.

Chair Mangrum pointed out a typo on page 5, Section E. under Duties: “quorum shall consist of a five members of the Commission” and asked that correction be made to “quorum shall consist of five members of the Commission”.

Mr. Neill asked whether the \$75.00 limit reference gift on page 6-7 is accumulative.

Ms. Hengen explained that this particular language is not accumulative.

Chair Mangrum recommended that the words “per gift per person” be added to explain that any gift or benefit that exceeds seventy-five (\$75.00) dollars in value is per gift per person.

Ms. Hengen explained that the amendment to sections H and the new N on page 8 came at the request of the City Manager. Ms. Hengen explained that the purpose of the language is to better describe the standards of conduct expected of the City’s employees.

Chair Mangrum pointed out a typo on page 12, under section 8 and asked that “fling” be corrected to “filing”.

Mr. Neill asked a question pertaining to “panel” under section H, page 16, and asked whether the ordinance states anywhere as to how the panel is constituted.

Ms. Hengen explained that going back to page 5, “each year, at the time of the selection of the chair and vice-chair, the chair will make panel assignments” and then the chair will designate the order of the rotation of the panel.

Mr. Hansen pointed out a concern under Section F General Rules for the Conduct of a Hearing on page 19 under 2 and 3, reference a right that is available for the respondent, but not given to the complainant, the right to present witnesses.

Ms. Hengen explained that this language was taken from one of the ordinances from San Antonio or Dallas. Ms. Hengen suggested that language could be added to say that the complainant has a right to present a list of witnesses to the Commission. The language stating that the respondent may not present and stating that the complainant may not present could be changed to say “question” instead of “present” for both respondent and complainant.

Chair Mangrum pointed out a typo on page 19, under section #3 “The legal counsel or other advisor to the complainant may advise the complaint during” and asked that “complaint” be corrected to “complainant”.

Chair Mangrum presented a question asking who is under the purview of this ordinance and whether the Housing Authority Commission of El Paso and the Regional Mobility Authority fall under the purview of the ordinance.

Ms. Hengen explained that the Housing Authority Board and the Regional Mobility Authority do not fall under the purview of the ordinance because they are independent entities. The Housing Authority Board and the Regional Mobility Authority do not fall under the purview due to the fact that there is no mechanism of enforcement. There is no basis as to which the Ethics Review Commission could investigate a Housing Authority Commission Member or take any action against them for violation.

Dr. Pineda suggested that a separate letter stating concerns about transparency concerning the Housing Authority Commission of El Paso and the Regional Mobility Authority be addressed to the Mayor and City Council.

Chair Mangrum suggested that a separate letter referring to transparency be presented to Mayor and Council upon presenting the report of the proposed revisions to the Ethics Ordinance.

Dr. Pineda will prepare a draft letter pertaining to the transparency concern for review by the Commission for the meeting in February.

Chair Mangrum informed members that he would contact Representative Holguin requesting that a possible next agenda item for City Council to consider the request to dissolve the Ad Hoc portion of the Ethics Committee, to allow the LRC to review and recommend, disestablishing the Ad Hoc Committee from the recommendation.

Ms. Hengen stated that she will inform Council Representatives for District 2, 4, 5, and 8 that the term of office for designated appointees to the Ethics Review Commission will end on February 20, 2009, and advising that each person is eligible for re-appointment to another term of office.

IV. SCHEDULING OF NEXT MEETING(S).

Chair Mangrum proposed that the next meeting be held on February 2, 2009, 5:00 pm, for purposes of reviewing the final draft of the proposed revisions to the Ethics Ordinance. Motion made by Chair Mangrum and seconded by Dr. Pineda to schedule the next meeting for February 2, 2009 at 5:00 pm. All in favor and motion passed unanimously.

V. ADJOURNMENT

Motion made by Dr. Pineda and seconded by Mr. Neill to adjourn the meeting. All in favor and motion passed unanimously. Meeting adjourned at 5:57 p.m.