

MINUTES

**ETHICS REVIEW COMMISSION MEETING
JANUARY 31, 2008
5TH FLOOR AMERICAS CONFERENCE ROOM - 5:00 P.M.**

MEMBERS PRESENT

Gerald Mangrum, Mayoral
Richard D. Pineda, District #1
Raymundo Rodriguez, District #2
Yusuf Farran, District #3 (Left at 5:45 pm)
Alexander Neill, District #7 (Arrived at 5:29 pm)
Isela Pena, District #8

MEMBERS ABSENT

Andre Ewing, District #4
Rodney Hansen, District #5
Jesus Padilla, District #6

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 JANUARY 7, 2008.

Dr. Pineda moved to approve the minutes of January 7, 2008. Mr. Rodriguez seconded motion and the motion passed unanimously.

III. DISCUSSION AND ACTION REGARDING POTENTIAL CHANGES TO THE ETHICS ORDINANCE AND MAKING RECOMMENDATIONS FROM THE COMMISSION TO THE COUNCIL RULES LEGISLATIVE REVIEW COMMITTEE.

Chair Mangrum presented his list of recommended suggestions concerning revisions to the Ethics Ordinance. A copy of the list of recommendations is included as an attachment to the minutes and each recommendation is listed and noted herein as a bullet point.

Bullet #1 – If you are an elected office holder, or a board member appointed to a board by Council and/or Mayor, or a city employee whose position is not covered by Civil Service, then you should be under the Ethics Ordinance.

Motion made by Mr. Mangrum to recommend to the working group that a list be created of Commissions that would fall under the purview of future Ethics Ordinance when a new Board is created, seconded by Dr. Pineda. The motion passed unanimously.

Bullet #2 – All listed in the above suggestion should have city email addresses and should use them when communicating in writing concerning official matters.

Motion made by Mr. Mangrum to recommend to the working group that a board member who is appointed to a board by City Council be assigned a city email address, seconded by Dr. Pineda and the motion passed unanimously.

Bullet #3 – If you file a complaint, you must refer to which specific section of the ordinance was broken by whom, how, and when.

Bullet #4 – The City should retain an independent attorney, outside of the city system, to provide appropriate guidance and advice to the Commission regarding complaints and all other matters.

Bullet #5 – A Commission majority vote is required to accepted/reject a complaint versus referral by the City Attorney's office as it stands now.

Motion made by Dr. Pineda pertaining to Bullets #3, #4 and #5 combined to recommend to the working group that the complaint process be revised to include more specific details referring to sections of the Ethics Ordinance when filing a complaint, and to recommend that a rotating panel consisting of 3 members of the Ethics Review Commission be appointed for purpose of reviewing Ethics complaints, seconded by Mr. Mangrum and the motion passed unanimously.

Bullet #6 – Develop a computer based tutorial of the Ethics Ordinance and make it mandatory for every person under the purview of the ordinance to complete the tutorial with a follow-on quiz to establish a base of knowledge that is traceable for each person.

Motion made by Mr. Mangrum to accept the suggestion of a tutorial and to recommend to the working group that a tutorial be created for the Ethics Review Commission, seconded by Mr. Rodriguez and the motion passed unanimously.

Mr. Mangrum made a motion to take a short break, seconded by Dr. Pineda, and all in favor of a 3 minute break.

Bullet #7 – The Commission should be granted subpoena authority for documents and testimony. Oversight and case by case approval should be provided by the Council of Judges.

Motion made by Mr. Mangrum to recommend to the working group for an opinion on an appropriate subpoena authority under appropriate guidelines to be explored, seconded by Ms. Pena and the motion passed unanimously.

Bullet #8 – All persons covered under the ordinance should be restricted from acting as a lobbyist, discussing business matters with city officials, bidding, or accepting any type of contact from the city for a period of two years after leaving office or their position.

Discussion on this item was had and Ms. Hengen stated to members that when Council initially approved the Lobbyist Ordinance, they had a medium sized list of Board Members who could not be lobbyists. The Council went back and amended the ordinance which shortened the list and took some of those boards off. There are members of a few boards and commissions who cannot serve as a lobbyist, but that is a short list. Additional members left the meeting during this discussion and therefore, due to lack of a quorum, discussion on this item ceased.

Bullet #9 – All persons under the ordinance and their families, to include spouse, children, parents, siblings, cousins, aunts, uncles, and in-laws should not benefit financially from any contract or vote by City Council Member either directly or indirectly through any third party entity.

Due to lack of a quorum, no discussion on this item was had.

Bullet #10 – Any company whose representative found guilty by the courts or that plead guilty for bribing or attempting to bribe a person in any official government position should be banned for five years on the first offense and forever on the second offense.

Due to lack of a quorum, no discussion on this item was had.

IV. DISCUSSION AND ACTION ON THE PREPARATION OF THE 2007 ANNUAL REPORT TO THE CITY COUNCIL.

Due to lack of a quorum, no discussion on this item was had.

V. SCHEDULING OF NEXT MEETING.

Due to lack of a quorum, no discussion on this item was had.

VI. ADJOURNMENT

For lack of a quorum, Chair Mangrum adjourned the meeting at 6:30 p.m.

- u • If you are an elected office holder, or a board member appointed to a board by Council and/or Mayor, or a city employee whose position is not covered by Civil Service then you should be under the Ethics Ordinance.
- v • All listed in the above suggestion should have city email addresses and should use them when communicating in writing concerning official matters.
- w • If you file a complaint, you must refer to which specific section of the ordinance was broken by whom, how, and when.
- x • The City should retain an independent attorney, outside of the city system, to provide appropriate guidance and advice to the Commission regarding complaints and all other matters.
- y • A Commission majority vote is required to accepted/reject a complaint versus referral by the City Attorney's office as it stands now.
- z • Develop a computer based tutorial of the Ethics Ordinance and make it mandatory for every person under the purview of the ordinance to complete the tutorial with a follow-on quiz to establish a base of knowledge that is traceable for each person.
- 1 • The Commission should be granted subpoena authority for documents and testimony. Oversight and case by case approval should be provided by the Council of Judges.
- 2 • All persons covered under the ordinance should be restricted from acting as a lobbyist, discussing business matters with city officials, bidding, or accepting any type of contact from the city for a period of two years after leaving office or their position.
- 3 • All persons under the ordinance and their families, to include spouse, children, parents, siblings, cousins, aunts, uncles, and in-laws should not benefit financially from any contract or vote by City Council Member either directly or indirectly through any third party entity.
- 4 • Any company whose representative found guilty by the courts or that plead guilty for bribing or attempting to bribe a person in any official government position should be banned for five years on the first offense and forever on the second offense.