

MINUTES

ETHICS REVIEW COMMISSION MEETING February 27, 2007 5TH FLOOR CONFERENCE ROOM - 5:00 P.M.

MEMBERS PRESENT

Gerald Mangrum, Mayoral
Richard D. Pineda, District #1
Summer Luciano, District #2
Andre Ewing, District #4
David Palmer, District #5
George Reynoso, District #7
Jerry Jarvis, District #8

MEMBERS ABSENT

Yusuf Farran, District #3
Jesus Padilla, District #6

OTHERS PRESENT

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

I. CALL TO ORDER

Quorum present and meeting called to order at 5:16 p.m. by David Palmer.

II. APPROVAL OF MINUTES FOR DECEMBER 7, 2006.

Mr. Jarvis moved to approve the minutes of December 7, 2006. Mr. Ewing seconded motion and the motion passed unanimously.

III. DISCUSSION AND ACTION REGARDING PROPOSED CITY CHARTER AMENDMENTS AS IMPACTING THE ETHICS REVIEW COMMISSION.

Ms. Hengen advised the members of the Commission that this item was placed on the agenda for discussion at the request of Chair Mangrum. Being that Chair Mangrum is not present at this time, Ms. Hengen requested that the Commission skip this item and return to it for discussion pending the arrival of Chair Mangrum.

IV. DISCUSSION AND ACTION ON WRITTEN REPORT RELATING TO COMPLAINT DISMISSED PERTAINING TO CITY REPRESENTATIVE J. ALEXANDRO LOZANO.

Ms. Hengen explained to the members that the Ethics Ordinance requires that a written report be completed by the Ethics Review Commission on every complaint that is considered and filed with the City Clerks Office. The Commission reviewed the written report as prepared by Ms. Hengen. Mr. Palmer moved to approve the written report as written. Mr. Jarvis seconded the motion and the motion passed unanimously.

V. DISCUSSION AND ACTION ON THE STATUS OF COMMISSION APPOINTMENTS.

Ms. Hengen explained that four (4) terms expired February 20th, 2007. Among the terms that are expiring are, Ms. Summer Luciano's unexpired term, and Mr. Andre Ewing's unexpired term. Mr. David Palmer's term also expires and this is Mr. Palmer's 2nd full term, therefore he is not eligible for reappointment. Mr. Jerry Jarvis' term also expires and this is Mr. Jarvis' 2nd full term as well, and he also is not eligible for reappointment. On behalf of the Ethics Review Commission and the Chair, Ms. Hengen thanked Mr. Palmer and Mr. Jarvis for their dedicated service and hard work.

Ms. Hengen suggested to members of the Commission that courtesy reminders be forwarded to the City Representative's that have upcoming expired terms or vacancies. Mr. Ewing made a motion that Ms. Hengen send courtesy reminders to the City Representative's, Mr. Reynoso seconded the motion and the motion passed unanimously.

VI. SCHEDULING OF NEXT MEETING.

Ms. Hengen advised the members that upon the appointment of any new members to the Commission, a new Chair and a new Vice-Chair will have to be nominated and elected for a one-year term. This could be an item for an upcoming meeting after the new members have been appointed and have become acquainted with the role of the Ethics Review Commission. Also, the Ethics Ordinance requires that the Ethics Review Commission complete an Annual Report to the City Council. This is an item that would be appropriate to have for the agenda as well. Ms. Hengen advised the members that she would provide them with a copy of the prior year's annual report in order to begin summarizing the report. With this in mind, Ms. Hengen advised the members of the Commission that she would communicate with Chair Mangrum for the purpose of scheduling the next meeting.

Ms. Hengen stated that this would be a good opportunity to return to Item III.

At this point the Commission reverted to ITEM III. DISCUSSION AND ACTION REGARDING PROPOSED CITY CHARTER AMENDMENTS AS IMPACTING THE ETHICS REVIEW COMMISSION.

Ms. Hengen stated that the City Council voted as part of calling the General Election for May 12th to elect four (4) new district representatives, the City is going to submit Charter Amendments for the voters to approve. There will be fourteen (14) different propositions on the ballot. One of those propositions was brought forward by the citizen members of the AdHoc Committee, which is Amendment No. 2, under Section 2.2 New Subsection – Nominations, of the Charter regarding a provision to require that the Council shall, by ordinance, establish an independent ethics review commission to administer and enforce the ethics section of the City Code.

Ms. Hengen advised the members that Representative Byrd has had some interest in having the Commission look at whether amendments to the Ethics Ordinance are appropriate at this time. The original Ethics Ordinance was done in the early 1990's, and in 2001, the Ethics Commission chose to rewrite the Ordinance themselves, which took about a year to complete the process.

Mr. Reynoso asked a question as to the power of the Ethics Review Commission to issue sanctions. Ms. Hengen stated that the process is complex, but there is authority for sanctions by the Commission and by the City Council. For example if the Commission is considering a sanction against a Council Member, then there is a multi-step process that it goes through, and ultimately it would be the City Council who would make that decision.

At this point the record reflects that Chair Mangrum arrived to the meeting.

Chair Mangrum stated to Commission members that in recent discussions with Representative Byrd, she is motivated to re-work the ordinance. He explained that Representative Byrd along with other members of the City Council want to create another working group, consisting of four (4) Legislative Review Committee Members of City Council, along with four (4) members from the Ethics Review Commission, and probably three (3) members consisting of general citizens. The Commission at this point is not as functional as it could be and the ordinance needs to be completely re-vamped.

Members of the Commission continued discussion and Chair Mangrum asked members to consider volunteering to serve on this working group. No further action required at this time.

VII. ADJOURNMENT

Seeing no further business, Chair Mangrum adjourned meeting at 6:17 p.m.