

MINUTES

ETHICS REVIEW COMMISSION MEETING MAY 27, 2009 5TH FLOOR AMERICAS CONFERENCE ROOM - 5:00 P.M.

MEMBERS PRESENT

Gerald Mangrum, Mayoral
Raymundo Rodriguez, District #2 (Left at 6:00 pm)
Andre Ewing, District #4
Paul Harrington, District #6
Alexander Neill, District #7 (Arrived at 5:15 pm)
Gracia Sandoval, District #8

MEMBERS ABSENT

Richard D. Pineda, District #1
Yusuf Faran, District #3
Rodney Hansen, District #5

OTHERS PRESENT

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

I. CALL TO ORDER

Seeing a quorum, Chair Mangrum called the meeting to order at 5:09 p.m.

II. APPROVAL OF MINUTES FOR APRIL 20, 2009 AND APRIL 29, 2009.

Mr. Ewing moved to approve the minutes of April 20, 2009 and April 29, 2009. Mr. Rodriguez seconded motion, all in favor and the motion passed unanimously.

III. DISCUSSION AND ACTION REGARDING THE STATUS OF THE COMPLAINT FILED AGAINST REPRESENTATIVE RACHEL QUINTANA AND A DETERMINATION REGARDING APPROPRIATE FUTURE ACTION BY THE ETHICS REVIEW COMMISSION TO CONSIDER AND HEAR THIS COMPLAINT.

Members were provided with a copy of the letter from Stephen Peters, Attorney at Law, Representative Quintana's attorney. Chair Mangrum stated the letter explains that the case is pending in the Eighth Court of Appeals and does not give a timeframe, therefore, the Ethics case against Representative Quintana will be placed on hold until further notice and/or action in this case. No action was taken on this item.

IV. DISCUSSION AND ACTION ON REVIEWING THE FORMS UTILIZED BY THE COMMISSION PURSUANT TO THE ETHICS ORDINANCE.

Ms. Hengen started off by explaining that the Complaint Form needs revising in order to meet the requirements of the new ordinance. The new ordinance requires that the form be sworn. A separate affidavit has been drafted; it is now posted and available on the City's Ethics Commission Website along with the Complaint Form. Ms. Hengen asked

members to consider incorporating the affidavit as part of the Complaint Form. Another revision to the Complaint Form should be considered as the new ordinance now also has language referring to the filing of complaints requiring that reference be made to the section of the violation if at all possible when filing a complaint. Ms. Hengen asked members to consider changing the Complaint Form and add a blank asking to state the provision of the Ethics Ordinance section that has been violated.

Chair Mangrum stated that Item #5 on the Complaint Form be changed asking for the chapter and verse section that was violated and outline the nature of the violation.

Mr. Ewing suggested that the Complaint Form be made available in PDF fillable format. It was also suggested that the list of violations as mentioned on the ordinance be made available.

Ms. Hengen continued by explaining that the next form needing to be revised is the Report of Reportable Gifts Form. Members were provided with a copy of the memo from Elaine Hengen to Mayor, Council and Department Heads reference the reporting of gifts under the new Ethics Ordinance. Ms. Hengen asked members to consider changing the portion of the Form where the estimated value of the gift is reported.

Chair Mangrum suggested that a space be added asking if the gift is over \$75.00, and if the answer is yes, then also report the date that the gift was turned over to the City or whether the gift is an exception under the ordinance.

Chair Mangrum made the motion to delegate the task of revising the Forms as per the new ordinance to the City Attorney's Office. Seconded by Mr. Ewing, all in favor and the motion passed unanimously.

V. DISCUSSION AND ACTION ON MAKING REVISIONS TO THE CAMPAIGN FINANCE PROVISIONS IN THE ETHICS ORDINANCE.

Chair Mangrum opened the floor for discussion pertaining to contribution limits and whether there should or should not be a limit. Discussion was had reference possible contribution limits and whether to restrict a timeframe period for fundraisers.

Chair Mangrum made the motion to table the discussion on making revisions to the Campaign Finance provision until the next meeting upon pursuing further research. Seconded by Mr. Ewing, all in favor and the motion passed unanimously.

VI. DISCUSSION AND ACTION REGARDING ADDITIONAL RESTRICTIONS FOR FORMER ELECTED OFFICIALS, INCLUDING RESTRICTIONS ON CITY CONTRACTING OPPORTUNITIES.

Ms. Hengen advised members that she contacted Mike Spurlock, the current attorney for the Housing Authority to ask him about post board service restrictions. Mr. Spurlock provided the post board service provision from their Ethics Code. With regard to being prohibited for 1 year after leaving office as a member of a board or commission or from employment with the Housing Authority, and regarding representing or compensation to

any person or entity on matters pending before the board of commissioners, Mr. Spurlock explained that there is no provision that he is aware of that bans a former board member from entering into a contract with the Housing Authority after they have left the Housing Authority Board.

Ms. Hengen explained that certain types of contracts with the City have to be competitively awarded. If the City is required to adhere to the State Statute when awarding contracts, then the City has to follow the statute. Contracts awarded that are not architect or engineering contracts and are less than \$50,000 don't have to be put out to bid. The City of San Antonio has provisions reference these types of contracts that they refer to as discretionary contracts that are not governed by State law. Dallas has also adopted similar types of provisions as San Antonio. Restrictions and provisions could be considered for the types of contracts that are not governed by State law. Possible restrictions to consider could be to restrict former elected officials, or employees and former elected officials from having the opportunity to enter into those discretionary contracts, for a proposed time period after leaving office.

Chair Mangrum made the motion to table discussion regarding additional restrictions for former elected officials on city contracting opportunities and upon further review of Dallas' and San Antonio's ordinance draft an amendment to the current Ethics Ordinance for presentation to City Council at the appropriate time. Seconded by Mr. Harrington, all in favor and the motion passed unanimously.

VII. SCHEDULING OF NEXT MEETING(S).

Chair Mangrum suggested that the next meeting be held on Wednesday, July 29, 2009, 5:00 pm.

VIII. ADJOURNMENT.

Motion made by Chair Mangrum and seconded by Mr. Ewing to adjourn the meeting. All in favor and motion passed unanimously. Meeting adjourned at 6:17 p.m.