

## MINUTES

### **ETHICS REVIEW COMMISSION MEETING JULY 29, 2009 5<sup>TH</sup> FLOOR AMERICAS CONFERENCE ROOM - 5:00 P.M.**

#### **MEMBERS PRESENT**

Gerald Mangrum, Mayoral  
Richard D. Pineda, District #1  
Yusuf Faran, District #3  
Rodney Hansen, District #5  
Paul Harrington, District #6  
Alexander Neill, District #7 (Arrived at 5:10 pm)  
Gracia Sandoval, District #8

#### **MEMBERS ABSENT**

Raymond Rodriguez, District #3  
Andre Ewing, District #4

#### **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 5:01 p.m.

#### **II. APPROVAL OF MINUTES FOR MAY 27, 2009.**

Dr. Pineda moved to approve the minutes of May 27, 2009. Mr. Harrington seconded motion, all in favor and the motion passed unanimously.

#### **III. DISCUSSION AND ACTION ON REVIEWING THE FORMS UTILIZED BY THE COMMISSION PURSUANT TO THE ETHICS ORDINANCE AS REVISED BY THE CITY ATTORNEY'S OFFICE.**

Dr. Pineda moved to approve the New Ethics Complaint Form. Mr. Harrington seconded motion, all in favor and the motion passed unanimously.

Ms. Hengen explained the revision made to the Report of Reportable Gifts Form where the value of the gift must be reported. A readily apparent value must be reported by the reporter. An "Unknown" value can no longer be accepted.

Dr. Pineda moved to approve the New Report of Reportable Gifts Form. Mr. Harrington seconded motion, all in favor and the motion passed unanimously.

#### **IV. DISCUSSION AND ACTION ON MAKING REVISIONS TO THE CAMPAIGN FINANCE PROVISIONS IN THE ETHICS ORDINANCE.**

Chair Mangrum explained as discussed in previous meetings some of the suggestions that were presented. One suggestion is that there be a limit on contributions that any City Council person can accept from any one person. Also suggested was a per contribution limit from any one person. Another suggestion was the suggestion of a 3 month window timeframe, or a 6 month window timeframe before and after the election period for fundraisers and accepting contributions for election or re-election. In addition to the previous discussed suggestions, Chair Mangrum added the suggestion to prohibit one campaign from contributing money to another campaign, or receiving money from another campaign.

Members were provided with a handout of some research of a survey done in 2003 regarding the 20 largest and most progressive Texas Cities. Of the 20 cities, only Austin, Houston, Dallas and San Antonio had restrictions. Also included in the handout is a copy of the last draft of an ordinance that was presented to the Rules LRC in November 2005. The draft includes some of the things that were considered, but were struck out at that time, which were the campaign contribution limitation proposals.

Dr. Pineda suggested using the power of the commission to advocate for public finance of elections in the ordinance. Publicly financed election ordinance would help to eliminate having to worry about caps, communications, etc. Discussion was had and members were in agreement to consider making a case for a public financing campaign.

Chair Mangrum tabled discussion on this item until the next meeting in August asking members to be prepared to put together two alternatives for the LRC.

#### **V. DISCUSSION AND ACTION REGARDING ADDITIONAL RESTRICTIONS FOR FORMER ELECTED OFFICIALS, INCLUDING RESTRICTIONS ON SOME CITY CONTRACTING OPPORTUNITIES.**

Ms. Hengen explained as discussed in previous meetings that there are provisions under State Law relating to awarding contracts to low bidders, or selecting and architect or and an engineer, or other professionals. The City would not be able to implement requirements contrary to those provisions. Contracts awarded that are not architect or engineering contracts and are less than \$50,000 don't have to be put out to bid, which are discretionary contracts not governed by State law. Restrictions and provisions could be considered for the types of contracts that are not governed by State law. 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. In 2002 the Ethics Commission had started to consider possible restrictions pertaining to the discretionary contracts. Members were provided with handouts of a copy of a memorandum dated April 24, 2002, copy of a draft proposal from 2002, copy of Code of Ethics from the City of San Antonio, and copy from the City of Dallas.

Chair Mangrum made the motion to delegate the task to the City Attorney's Office of preparing an amendment to the Ordinance regarding restrictions for former elected officials on city contracting opportunities. Seconded by Mr. Farran.

After further discussion was had, Chair Mangrum rescinded his motion and Mr. Farran withdrew his second. Chair Mangrum tabled discussion regarding additional restrictions for former elected officials on city contracting opportunities until more research is done and until it can be determined what is within the purview of the Ethics Review Commission.

#### **VI. SCHEDULING OF NEXT MEETING(S).**

Chair Mangrum suggested that the next meeting be held on Wednesday, August 26, 2009, 5:00 pm.

#### **VII. ADJOURNMENT.**

Motion made by Dr. Pineda and seconded by Mr. Harrington to adjourn the meeting. All in favor and motion passed unanimously. Meeting adjourned at 6:40 p.m.