

MINUTES

ETHICS REVIEW COMMISSION MEETING SEPTEMBER 4, 2008 5TH FLOOR AMERICAS CONFERENCE ROOM - 5:00 P.M.

MEMBERS PRESENT

Gerald Mangrum, Mayoral
Richard D. Pineda, District #1
Raymundo Rodriguez, District #2 (left at 6:14)
Yusuf Farran, District #3
Andre Ewing, District #4
Rodney Hansen, District #5
Alexander Neill, District #7
Isela Pena, District #8

MEMBERS ABSENT

Paul Harrington, 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. ELECTION OF CHAIR AND VICE CHAIR.

Mr. Mangrum asked commission members for their nominations for the Chairperson position which had recently been vacated. Yusuf Farran moved to elect Gerald Mangrum as Chair. Mr. Ewing seconded and motion passed unanimously. Chair Mangrum opened nominations for Vice Chair. Chair Mangrum moved to nominate Yusuf Farran as Vice Chair and asked if there were other nominations. Mr. Ewing seconded and motion passed unanimously.

III. APPROVAL OF MINUTES FOR JANUARY 31, 2008.

Dr. Pineda moved to approve the minutes of January 31, 2008. Mr. Rodriguez seconded motion and the motion passed unanimously.

IV. 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 informed members that he attended the last meeting of the Council Rules Legislative Review Committee where discussion was had concerning the work involved

in recommending potential changes to the Ethics Ordinance. At the meeting, the members of the Council Rules Legislative Review Committee agreed to allow the Ethics Review Commission to do the work in gathering potential changes for the ordinance. Once the changes to the ordinance are agreed to and the draft of the ordinance is ready, then the draft will be presented to the Council Rules Legislative Review Committee for review and approval. Once approved by the Legislative Review Committee, the final draft will be presented to City Council for introduction.

Chair Mangrum pointed out that some of the potential changes have already been agreed to as reflected in the minutes from the previous meeting. The remaining bullets to be discussed are #8, #9 and #10.

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.

Chair Mangrum stated that he met with the recently elected City Representative Emma Acosta. He explained that Representative Acosta pointed out that she frequently meets with individuals who are not on the list as lobbyist; however, these individuals are coming in and lobbying.

Mr. Neill addressed a question to Ms. Hengen asking if a non-profit organization approaches a council member are there any concerns about putting limitations?

Ms. Hengen explained that the Lobbyist Ordinance is separate and apart from the Ethics Ordinance. The requirements for having to register as a lobbyist are dependent on two factors. One factor is what is the conduct that is being undertaken, meaning does it constitute lobbying as defined by the ordinance. Second is a requirement to meet a threshold financial gain, \$200 per quarter. An individual who is lobbying as a volunteer, who is not being paid anything, is not required to register as a lobbyist.

Ms. Hengen informed members that the Civil Service Commission recently within the last two months has adopted a rule that prohibits a member of the Civil Service Commission upon leaving that office from representing a City Employee before the Commission for a period of one year. The Civil Service Commission expressed interest about including a provision in the Ethics Ordinance relating to employees who leave their position.

Correction to Bullet #8 changing the word “contact” to “contract”. Motion made by Dr. Pineda to include this type of provision with a time period of one year and to recommend it to the working group, seconded by Mr. Farran and the motion passed unanimously.

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.

Discussion on this item was had and Ms. Hengen explained to members that the provision under Chapter 176 of the Local Government Code requires that forms be submitted by anyone who is bidding on a contract if they are related to or have personal relationships with any member of the City Council or any city employee. It is a disclosure requirement, but it is not a conflict situation.

Based on the information about the Local Government Code, Chair Mangrum made the Motion to delete Bullet #9 as superseded by the Local Government Code. Motion seconded by Dr. Pineda.

Chair Mangrum withdrew motion to delete Bullet #9. Motion made by Mr. Neill to allow the City Attorney to research the feasibility of adding provisions that would make it an ordinance violation to fail to file the forms required under Chapter 176, seconded by Dr. Pineda, and the motion passed unanimously.

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.

Ms. Hengen explained that this would be the same circumstance for Bullet #10 as Bullet #9. Contracts have to be awarded to the lowest responsive responsible bidder. The City Council could declare them to be not responsible. The City Council could find a person who's been convicted of bribery not responsible.

Ms. Hengen informed members of research that she had brought forward in 2002 when the Ethics Ordinance was being amended concerning a provision found in San Antonio's Ordinance relating to discretionary contracts. Restrictions can only be placed on discretionary contracts, which are not being awarded based on competitive requirement under a statute.

Chair Mangrum made the Motion to delete Bullet #10 as superseded by the Local Government Code, seconded by Mr. Ewing, and the motion passed unanimously.

In reference to one of the Bullet Points referencing putting together a list of the Boards and Commissions that are covered by the Ethics Ordinance, Ms. Hengen handed out a draft list of the Boards and Commissions.

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

Ms. Hengen handed out a sample of a previous format from the Annual Report of 2006 to commission members. Ms. Hengen explained in detail the work the Ethics Commission did in 2007, including the joint meetings with the Council Rules LRC, and explained to members that the work will be incorporated into the 2007 Annual Report. Members were all in agreement with the format and Ms. Hengen will use the same format for finalizing the Annual Report for 2007.

VI. SCHEDULING OF NEXT MEETING(S).

Chair Mangrum proposed that the next meeting be held within a month in order to continue progress regarding the Ethics Ordinance, and encouraged everyone to bring his or her proposals, comments, suggestions, etc.

VII. ADJOURNMENT

Motion made by Mr. Mangrum and seconded by Mr. Ewing to adjourn the meeting. All in favor and motion passed unanimously. Meeting adjourned at 6:19 p.m.