

## MINUTES

### **ETHICS REVIEW COMMISSION MEETING October 12, 2006 10<sup>TH</sup> FLOOR CONFERENCE ROOM - 6:00 P.M.**

#### **MEMBERS PRESENT**

Gerald Mangrum, Mayoral  
Richard D. Pineda, District #1  
Summer Luciano, District #2  
Yusuf Farran, District #3  
Andre Ewing, District #4  
David Palmer, District #5  
George Reynoso, District #7  
Jerry Jarvis, District #8

#### **MEMBERS ABSENT**

Jesus Padilla, District #6

#### **OTHERS PRESENT**

Elaine S. Hengen, Senior Assistant City Attorney  
Monica Acuña, Secretary  
Representative Beto O'Rourke

#### **I. CALL TO ORDER**

Seeing a quorum, Chair Gerald Mangrum called the meeting to order at 6:03 p.m.

#### **II. DISCUSSION AND ACTION REGARDING CITIZEN COMPLAINT PERTAINING TO CITY REPRESENTATIVE BETO O'ROURKE:**

**A. Initial review of the complaint.**

**B. Determination on preliminary finding as to whether or not the complaint states an allegation under the Ethics Ordinance and is supported by just cause.**

Chair Mangrum began by explaining that the purpose of the meeting was to determine the existence of , just cause or no just cause, for the complaints filed against District 8 Representative Beto O'Rourke. The Commission must first determine if such a cause is found to exist upon a reasonable inquiry, would induce a reasonably intelligent person to believe that a person has committed and act or acts constituting ethical violation, under section 2.92.080e.

Ms. Hengen stated to the members that the City Attorney's Office received an amended complaint from Mr. Blaugrund late Monday afternoon, which added two (2) additional charges. That particular complaint is being reviewed by the City Attorney's Office with respect to the provisions of the Ethics Ordinance. The Ordinance sets forth a very specific step-by-step process for under which every complaint that is filed is reviewed. The first step is for the City Attorney's Office to be able to review the complaint to determine whether the matter is within the purview of the Ethics Ordinance. The City

Attorney's Office determined that allowing an amendment to the complaint to go directly to the Commission without first being first presented to the City Attorney's Office for that necessary step would circumvent the process of the ordinance. Therefore, this amended complaint will be treated as a separate complaint and will be reviewed to determine whether it is appropriate under the Ordinance for presentation to the Commission at a later time.

Chair Mangrum asked Ms. Hengen to speak on the rules as to hearing evidence or not hearing evidence as is pertains to this complaint. Ms. Hengen stated to the members that her role tonight is to assist in going through the process required by the ordinance to assist the members in understanding the process and analyzing the complaint under the ordinance provisions. Ms. Hengen explained that this is to determine whether or not there is adequate justification to go forward with a full investigation on one (1) or more of the allegations.

Chair Mangrum explained that the members of the public will go first to make relevant comments and will be allowed two (2) minutes each to speak. Each person will be allowed to speak only once. If a speaker desires more time, the request may be presented to the Commission, and it will be up to the Committee to make a motion with a second and passing the motion to allow more time to speak. Each complaint will be considered individually using the following process; both sides, the complainant and Mr. O'Rourke's side, will be allowed time to give comments and provide their side of the specific complaint. The members of the Commission will be given an opportunity to ask questions of either the complainant or Representative O'Rourke, or the legal advisor. Questions will be taken in numerical order, or from right to left. Chair Mangrum reserved his right to go last in the questioning. Both sides will be given the opportunity to deliver final comments on each complaint and then Commission members will be given the opportunity to deliver a final comment before a vote is made for cause or no cause on that specific complaint. Once each vote has been recorded and all the complaints decided the Commission will proceed with the next agenda item.

Chair Mangrum began with the comments of the public. The following individuals had comments:

- Mike Dipp
- Marion Daross
- Jim Daross
- Michael Bray
- Dr. Rick Bonart
- Gil Kimmelman

Ms. Hengen summarized complaint filed by Stuart Blaugrund and provided a copy of the timeline of City action regarding the downtown plan and agreements with the Paso Del Norte Group and briefly explained it.

Stuart Blaugrund discussed complaint in detail and stated that there were three sections to the complaint as follows:

1. O'Rourke's financial interests are in direct conflict with his fiduciary duties to the citizens of El Paso;
2. O'Rourke's personal interests are directly in conflict with his fiduciary duties to the citizens of El Paso; and
3. Given O'Rourke's financial and personal interests, his promotion of the Revitalization Plan to the City Council is in direct conflict with his fiduciary duties to the citizens of El Paso.

Michael Wyatt made a power point presentation.

After hearing the presentations and discussing the information for approximately two hours, Mr. Farran moved to dismiss complaint no. 1. It was seconded and the motion passed 7 to 1, with Chair Mangrum voting nay.

Mr. Jarvis moved to dismiss complaint no. 2. It was seconded and the motion passed 7 to 1, with Mr. Palmer voting nay.

Mr. Farran moved to dismiss complaint no. 3. It was seconded and further discussion was begun. The question was called, after which Chair Mangrum moved to rescind the motion to dismiss. It was seconded and motion passed 5 to 3, with Mr. Jarvis, Dr. Pineda and Ms. Luciano voting nay. Further discussion was then had on the item.

Mr. Jarvis then moved to dismiss complaint no. 3. It was seconded and the motion passed unanimously.

### **III. SCHEDULING OF NEXT MEETING.**

Ms. Hengen stated to the members that she would communicate with Chair Mangrum for the purpose of scheduling the next meeting.

### **VI. ADJOURNMENT**

Seeing no further business, Chair Mangrum adjourned meeting at 8:09 p.m.