

## MINUTES

### **ETHICS REVIEW COMMISSION MEETING DECEMBER 9, 2008 5<sup>TH</sup> FLOOR AMERICAS CONFERENCE ROOM - 5:00 P.M.**

#### **MEMBERS PRESENT**

Gerald Mangrum, Mayoral  
Richard D. Pineda, District #1  
Raymundo Rodriguez, District #2  
Yusuf Farran, District #3 (left at 5:43 pm)  
Rodney Hansen, District #5 (arrived at 5:42 pm)  
Alexander Neill, District #7  
Isela Pena, District #8

#### **MEMBERS ABSENT**

Paul Harrington, District #6  
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 Gerald Mangrum called the meeting to order at 5:02 p.m.

#### **II. APPROVAL OF MINUTES FOR OCTOBER 2, 2008.**

Chair Mangrum asked for status of placing links onto the City's Website for cross-reference purposes.

Ms. Hengen explained that the work is in progress.

Chair Mangrum asked for status of research on several outstanding issues raised by the Commission. Ms. Hengen explained that the 3 items requiring additional research have not yet been done. Two of the items are from the meeting of October 2, 2008, and one is from the prior meeting of September 4, 2008.

Chair Mangrum stated that those issues would be followed up with at the next meeting. Chair Mangrum moved to approve the minutes of October 2, 2008. Dr. Pineda seconded motion and the motion passed unanimously.

### **III. DISCUSSION AND ACTION REGARDING FIRST DRAFT OF PROPOSED REVISIONS TO THE ETHICS ORDINANCE.**

Ms. Hengen informed members that 2.92.010 and 2.92.020 were combined for purpose of creating two new section numbers.

Ms. Hengen explained that the strike out on page 2 on “Benefit” was done because the language was moved into the new section.

Chair Mangrum asked about the language on page 5, section 3.a. relating to the appointment of outside legal counsel. Is it possible to add ‘or the vote of the majority of the Ethics Review Commission’?

Ms. Hengen explained that would not be possible because under the Charter, the Ethics Review Commission does not have authority to retain outside legal counsel. This is the same for every city board. The decision is made by the City Attorney when he determines that he is not able to provide the representation, or recommend that outside counsel be retained in addition to his services.

Ms. Hengen explained further that language is included under ‘b.’ ‘The city attorney shall review any requests made by the ethics review commission for the appointment for independent legal counsel regarding a particular matter...’. If this commission feels that independent legal counsel should be appointed, the City Attorney has to review and respond. Anytime the Ethics Review Commission asks for independent legal counsel, the City Attorney’s Office has to provide an opinion.

Chair Mangrum pointed out a concern on page 14, under 2.292.080 Complaints, C. 5. ‘The nature of the alleged violation, including, if possible, the specific provision of this chapter alleged to have been violated’.

Ms. Hengen explained that this language is copied directly from San Antonio’s Ordinance, per Mr. Neill’s recommendation to bring in provisions from San Antonio’s Ordinance and Dallas’ Ordinance.

Chair Mangrum pointed out a concern on page 15, under F, where he recalls the vote being that the procedure for complaints would be that complaints would go to the City Attorney’s Office, where the City Attorney’s Office would make a recommendation, then forwarded on to a panel of three people for determination.

Ms. Hengen explained that the provisions in this section are again taken from San Antonio’s Ordinance, to allow for the filing of the complaint and to allow for a timeframe in which to send it to the respondent, and allow the respondent within a limited period of time to make a response.

Chair Mangrum recommended that the timeframe for the City Attorney's Office to take action upon receiving a complaint be changed from forty-five days to twenty days.

Chair Mangrum pointed out a concern on page 17, under Section 2.92.090 Complaints – Hearing, A. 'If the matter is referred to the ethics review commission as a whole the commission will schedule a review of the matter as soon as practicable and shall with delay,...'.

Ms. Hengen explained that the word 'with' should be 'without', and the typo will be corrected.

Chair Mangrum pointed out a concern on page 18, under D. 8. 'A determination that a violation of this chapter has occurred can be made only upon an affirmative vote of at least three-fifths of the ethics review commission members present and voting,...' He suggested that 'three-fifths' be changed to 'majority'.

Ms. Hengen advised members that a change was made to clarify that a quorum shall consist of 'four' members, but that the change would be removed and leave the quorum consisting of 'five' members of the Commission.

Chair Mangrum commented that some issues relating to email addresses and tutorials had not been incorporated into the ordinance, but that these may well not belong in the language of the ordinance.

Ms. Hengen advised that training is provided to new council members and employees, but not for board members.

Chair Mangrum suggested that members review the Ethics Ordinance and select sections as considered critical that need to be included in any training materials that the Commission would prepare and provide to Board members.

Ms. Hengen stated that she will inform Representative Holguin that the Ethics Review Commission has reviewed the first draft of the proposed Ethics Ordinance, and advising him also that the draft is expected to be finalized on January 8<sup>th</sup>, and requesting that he consider scheduling a committee meeting after January 8<sup>th</sup>.

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

Chair Mangrum proposed that the next meeting be held on January 8, 2009, 5:00 pm, for purposes of reviewing the semi-final draft of the proposed revisions to the Ethics Ordinance. Motion made by Chair Mangrum and seconded by Dr. Pineda to schedule the next meeting for January 8, 2009 at 5:00 pm. All in favor and motion passed unanimously.

## **V. ADJOURNMENT**

Motion made by Chair Mangrum and seconded by Dr. Pineda to adjourn the meeting. All in favor and motion passed unanimously. Meeting adjourned at 5:54 p.m.