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MUSEUMS & CULTURAL AFFAIRS

The City of El Paso Hispanic Cultural Center Subcommittee
Wednesday – April 15, 2015 – 1:00 p.m.
City Hall, Main Conference Room

MINUTES

1. **Call to Order.** Meeting was called to order at 1:01 p.m.

2. Roll Call.	<u>Board Member</u>	<u>Present</u>	<u>Absent</u>
	Rafael Adame	X	
	Jesus "Cimi" Alvarado		X
	Ruben Chavez		X
	Yolanda Clay	X	
	Luis Cortinas	X	
	Fermin Dorado	X	
	Jaime Esparza	X	
	Rosa Guerrero	X	
	Hector Gutierrez	X	
	Carlos Hisa		X
	Enrique Moreno	X	
	Barbara Perez	X	
	Cindy Ramos-Davidson	X	
	Gustavo Reveles		X
	Silvestre Reyes		X
	Belen Robles	X	
	Maya Sanchez	X	
	Nestor Valencia	X	
	Theresa Ware-Asbury		X

Others present: Tracey Jerome, Ben Fyffe, Kristen Hamilton-Karam and Misty Monteros.

3. **Public Comment.** The following members of the public commented: Nicolas Dominguez

4. **Discussion and Action on Approval of Minutes for March 26, 2015 (postponed from 04/01/15).** Chair asked members if they felt issues with the minutes of the March 26th meeting were resolved. Ben Fyffe explained that the minutes were revised per the subcommittee's directives and those revisions were reflected in red. Hector Gutierrez asked that in the future, when an individual on the subcommittee asks a question, or engages in conversation regarding a policy issue, the person's name should be identified for the record. Ben replied that could certainly be worked into future minutes, but reminded members that it is important to make sure your microphone is on whenever a question is asked so that it is on record. Kristen Hamilton-Karam noted that members should speak through the chair and be recognized before speaking so that individuals can be identified by name for the record. Chair asked that members need not speak through him, but should announce their name before speaking to keep order. Chair asked for a motion to move for approval. Barbara Perez so moved; Belen Robles seconded; all members voted in favor, none opposed, and motion passed unanimously.

5. **Discussion and Action on Approval of Minutes for April 1, 2015.** Chair asked for discussion on the minutes of April 1st. There was none, and Cindy Ramos-Davidson moved to approve. Barbara Perez seconded; all members voted in favor, none opposed, and motion passed unanimously.

6. **Discussion and Action on Adoption of By-laws (postponed from 04/01/15).** Chair began by noting there was an issue with the adoption of the by-laws during the last meeting, mentioning specifically the composition of the committee itself. Chair asked if the issue had been resolved and Kristen Hamilton-Karam replied affirmatively, saying that the resolution establishing this subcommittee did not require appointees to be a resident

citizen of the city of El Paso, so that language was removed from the by-laws. Chair asked if there was any other discussion on the by-laws and said if there were any other issues as the subcommittee moves forward, they can be amended, but for now they are basic rules. Hector Gutierrez moved to approve the by-laws; Cindy Ramos-Davidson seconded; all members voted in favor, none opposed, and motion passed unanimously.

7. Presentation on Obligations and Requirements under the Texas Open Meetings Act. Chair noted that some members may have done some of this work before, in which the Open Meetings Act is critical on a day-to-day basis. He reminded members these meetings are being streamed and archived, so members should stay as close to the Act as possible when discussing items and conducting subcommittee business. Kristen Hamilton-Karam introduced the Texas Open Meetings Act via a PowerPoint slideshow, discussing its purpose and provisions, noting that everything discussed under the resolution of the subcommittee needs to be discussed in an open meeting. She reviewed what does and does not constitute a meeting; the definition of 'deliberation'; a 'walking quorum', which is when a smaller group of members discuss subcommittee business, which in turn is discussed with another member, who discusses it with another member, and another, until a quorum has been established in discussing the business of the subcommittee outside of a public meeting; notice requirements; procedures and requirements for open meetings; and enforcement for violations of the Act, noting that as a subcommittee, members are not in a quasi-judicial position, they are advisory, and therefore criminal penalties would not apply.

Kristen opened the floor for questions, and Enrique Moreno inquired as to whether member's individual emails would be subject to the Public Information Act. Kristen replied that the government does not have ready access to personal email accounts, but she advised against members discussing subcommittee business with each other via email as it would violate the Open Meetings Act. She further noted that if an Open Records Request was received, an analysis to determine how to get the records and under what circumstance would be completed for anything administratively valuable members may have that the City doesn't already have, as the City does not have email accounts for members on its server. Jaime Esparza expressed concern over Kristen's suggestion that members should not email each other for their thoughts on board issues and Kristen advised against discussing an item posted on the agenda with another member until present in an open forum to discuss it with the public. Mayor Maya Sanchez expressed her understanding of board members knowing each other and having long-standing relationships outside of the subcommittee, but for those that know hardly anyone, she feels it would be best served to have discussion in the public forum because that is how members will get to know each other's point of view when coming together to make decisions. Nestor Valencia asked if it was advisable to speak with other members about topics that may not be committee-oriented yet, or may have been, but are not specifically listed on the agenda as an item. Kristen reiterated that board business generally should not be discussed; however, it will happen when the working groups are formed to discuss things and come to answers on the duties listed in the resolution. She added that if the discussion is not on the duties in the resolution, then members are free to have it because it is not the business of the subcommittee. Hector Gutierrez asked Kristen whether his attendance with Ralph Adame and Ruben Chavez at a Community en Accion panel discussion on June 16th in which there will be a general discussion on the concept of the Hispanic Cultural Center would be a violation of the Open Meetings Act, and Kristen replied it would not as they will not be discussing any of the eight duties listed in the resolution. Hector continued by asking if member attendance at meetings of a loosely organized group of community leaders with no leadership or by-laws called MACI (Mexican American Cultural Institute) would be problematic; Kristen replied it would not, provided there was not a quorum of the subcommittee or discussion on the eight duties as listed in the resolution. Barbara Perez asked whether the Open Meetings Act applies to the subcommittee just as it does to City Council, and Kristen replied affirmatively. Barbara followed by noting if that is so, and members are not held to punishable offenses, then we are moving away from the Open Meetings rules by not even being applicable to the penalties. Kristen replied that state law requires governmental bodies that are acting in a way considered to be quasi-judicial and making decisions that actually affect people's rights are required to abide by the laws of the Open Meetings Act by statute. This body is required to abide by the rules of the Open Meetings Act by City policy, so the City policy does not impose state statutory penalties on committee members that do not have quasi-judicial powers. Barbara continued with a question concerning MACI, asking if posting a MACI agenda for discussion on the Hispanic Cultural Center would be just to discuss or could it be discussion and action; Kristen replied it could only be for discussion. Enrique Moreno asked what the mechanism would be to get clarity on these issues and Kristen replied he is free to call her for further discussion. Cindy Ramos-Davidson asked if a member of the public could videotape the subcommittee meetings, and Kristen replied that as a public meeting, anyone can videotape it.

8. Discussion and Action on Strategy for Addressing Duties as Listed in the Creating Resolution (postponed from 04/01/15). Chair welcomed members and thanked them for taking time to come to the meeting. Ben Fyffe added there is a wealth of expertise and experience on the committee, making a solid group with solid experience in terms of helping to develop recommendations and strong options for City Council. There is a very small window of time to develop those strong recommendations for Council and the idea is for members to think of their skill sets, experience and expertise, and where they would be best suited to serve in terms of the eight duty areas listed in the creating resolution. Those working groups will bring back recommendations to the larger body in order to be more efficient with time in an effort to be as effective as possible. Chair suggested members review all eight of the duties they have been tasked with per the creating resolution; selecting an area of expertise would be helpful. He explained his idea, which is to create working groups for the tasks after

grouping the tasks together in three smaller groups.

Working Group #1 would deal with 'size' or more specifically, duties 1, 4 and 5 as listed in the creating resolution. Working Group #2 would deal with 'budget' or more specifically, duties 2 and 3 as listed in the creating resolution. Working Group #3 would deal with 'fundraising' or more specifically, duties 6, 7 and 8 as listed in the creating resolution.

Chair asked members if their preference was to use the working group strategy, or to meet all the time as a complete subcommittee. Cindy Ramos-Davidson voiced her preference, which was to use the working group strategy, as she felt it would be more effective. She volunteered her expertise to the fundraising working group. Hector Gutierrez agreed with Cindy that working groups is the way to go. He volunteered his expertise to the budget working group. Luis Cortinas agreed with the working group strategy and volunteered his expertise to the fundraising working group. Rafael Adame agreed that the working group strategy is best and suggested polling members. Enrique Moreno suggested that members should not be limited to serving on only one working group. Chair agreed and decided to go around the table to get each member's preference for the working group they would serve on, then again for secondary choices. He reiterated that working group #1 would deal with size, facility program and amenities and types of programming to be offered; working group #2 would deal with appropriate budget for construction and resources for enhancing the existing budget; and working group #3 would deal with recommendations regarding fundraising opportunities, recommendations regarding public/private partnerships, and the means of fundraising. With that, he went around the table for member assignments to working groups: Nestor Valencia – group #1, Mayor Maya Sanchez – group #1, Belen Robles – group #3, Cindy Ramos-Davidson – group #3, Barbara Perez – group #3, Enrique Moreno – group #1, Hector Gutierrez – group #2, Rosa Guerrero – group #1, Fermin Dorado – group #2, Luis Cortinas – group #3, Yolanda Clay – group #1, Rafael Adame – group #2, and Jaime Esparza – group #1.

In an effort to allow members who wished to serve in a second working group do so, Chair went around the table again for member assignments to secondary working groups: Nestor Valencia – pass, Mayor Maya Sanchez – group #3, Belen Robles – pass, Cindy Ramos-Davidson – pass, Barbara Perez – pass, Enrique Moreno – group #3, Hector Gutierrez – pass, Rosa Guerrero – pass, Fermin Dorado – pass, Luis Cortinas – pass, Yolanda Clay – pass, and Rafael Adame – pass.

Chair asked members for suggestions on how the working groups should operate. Cindy Ramos-Davidson suggested standardizing meeting times so that the larger group is aware when the smaller working groups will meet. Chair agreed and Ben added that the idea is to allow flexibility within the working groups and the idea is to present working group recommendations to the larger group when the subcommittee convenes for its regular monthly meeting. Cindy asked if working groups could meet offsite. Chair agreed and added that working group meetings will not be posted, but will report back to the larger body. Ben continued to explain working groups will be allowed the flexibility of meeting offsite without posting meetings as a means of being more productive because no action will be taken as a working group. The larger body will determine what action is taken after working groups have developed their recommendations and updates.

Chair next asked members for suggestions on meeting times and dates. Yolanda Clay asked for clarification on the deadline to report back to the City. Chair replied the date is April 28th, and it is not so much a deadline as it is a date to report back to City Council on progress made. Chair requested a date, time and place for each working group. Cindy Ramos-Davidson volunteered to have the meeting for working group #3 at the El Paso Hispanic Chamber board room, located at 2401 E. Missouri on Thursday, April 23rd at 9am. Rafael Adame volunteered to have the meeting for working group #2 at the Mexus offices, located at 1012 N. Campbell on Wednesday, April 22nd at 8am. Cindy offered the use of the El Paso Hispanic Chamber board room for the meeting of working group #1, and it was decided that group would meet on Monday, April 20th at 4pm.

Hector Gutierrez asked how absent members would be advised of the working group meetings so they can select a group and attend meetings. Ben replied that a memo would be drafted to indicate the three working groups and the dates and times of each meeting; absent members would be asked to self-select a group and report their choice to Chair, Vice-Chair and Ben. Hector Gutierrez expressed concern about quorum issues in the working groups, and Ben asked that each group has a liaison who will funnel attendance and RSVPs over to the Chair, Vice-Chair and himself. Kristen Hamilton-Karam added that preliminary meetings should be posted to avoid quorum issues altogether. Luis Cortinas suggested posting agendas that contain details on duties of each working group. Ben confirmed that agendas will detail name of the group and duties from the list of 8 that are under the purview of each specific group. Hector asked if City staff would be at working group meetings, and Ben replied they would not. In answer to a question from Nestor Valencia about site selection, Ben explained to members that City Council has articulated exactly what expectations for this group are and have been very specific in the eight duties listed in the resolution. Ultimately, site selection, discussion of specific sites and ultimate site determination remains the purview of City Council. Enrique Moreno recognized that final decisions are always up to City Council, but expressed his disagreement that it is not within the subcommittee's purview to make a recommendation concerning site and site selection; Luis Cortinas asked Ben if the City has a specific site in mind, and Ben replied he was not aware of that; Hector Gutierrez agreed with Enrique, noting that he feels it is the group's responsibility to not leave any subject undiscussed and he feels everything is within the group's purview because they are advisory in nature. Ben reiterated that the resolution is very clear about the duties as specified by City Council and we are operating off of that resolution. Chair asked that each working group appoint a liaison that would present their recommendations and findings to the larger group and also so

that the City would have a point of contact.

Kristen Hamilton-Karam asked for a motion indicating the body's agreement on the group representative reporting to Council on April 28th. Hector Gutierrez made a motion that Chair, Jaime Esparza, present to City Council on April 28th the progress of this subcommittee, has been appointed by them, and is authorized to speak on behalf of the committee. Cindy Ramos-Davidson seconded; all members voted in favor, none opposed and motion passed unanimously.

Ben Fyffe requested a motion to approve the working groups. Hector Gutierrez made a motion to approve the three working groups created by the subcommittee and that each working group appoints a liaison to report back to the subcommittee. Belen Robles seconded; all members voted in favor, none opposed and motion passed unanimously.

9. Adjournment. Chair requested a motion to adjourn. Cindy Ramos-Davidson so moved; Barbara Perez seconded; all members voted in favor, none opposed, and motion passed unanimously. Meeting was adjourned at 2:36pm. Next meeting scheduled for May 20, 2015.

Approved for content by:
Jaime Esparza, Chair

Respectfully submitted by:
Misty Monteros, Administrative Assistant
Museums & Cultural Affairs Department

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