

GOVERNANCE COUNCIL COMMITTEE MEETING MINUTES

**FEBRUARY 17, 2016 at 1:00 PM
CITY HALL, MEDIA BRIEFING ROOM**

Committee Present:	Mayor Ivy R. Taylor, <i>Chair</i> Council Member Rebecca Viagran, <i>District 3</i> Council Member Ron Nirenberg, <i>District 8</i> Council Member Joe Krier, <i>District 9</i> Council Member Mike Gallagher, <i>District 10</i>
Staff Present:	Sheryl Sculley, <i>City Manager</i> ; Kevin Barthold, <i>City Auditor</i> ; Leticia M. Vacek, <i>City Clerk</i> ; Martha Sepeda, <i>Acting City Attorney</i> ; John Peterek, <i>Assistant to the City Manager</i> ; Melissa G. Castillo, <i>Executive Assistant</i> ; Alexander J. Pytel, <i>Office of the City Clerk</i>
Others Present	Council Member Roberto Treviño, <i>District 1</i> ; Council Member Rey Saldaña, <i>District 4</i> ; Sam Millsap, <i>Chairman, Ethics Review Board</i>

CALL TO ORDER

Mayor Taylor called the meeting to order.

1. Approval of the Minutes for the City Council Governance Committee Meeting of December 16, 2015

Councilmember Krier moved to approve the Minutes for the City Council Governance Committee Meeting of December 16, 2015. Councilmember Gallagher seconded the motion. The motion carried unanimously.

2. Report on Items considered by City Council Committees between December 14, 2015 – February 12, 2016

Councilmember Nirenberg asked that discussion regarding Sunset Review of City Boards and Commissions be scheduled for a future meeting.

Mayor's Opening Remarks

Mayor Taylor spoke of the scope of the City's Ethics Code and highlighted the need for Independent Ethics Review as utilized by other major American Cities. She provided background on her recent request for a Waiver of the Ethics Code and explained that there was a lack of established authority on the issue. She stated that there was a need for an independent Ethics Officer and noted that as an amendment to the City Charter; the creation of an independent Ethics Officer would require approval by voters. She added that, in accordance with State Law, the earliest possible time for a Charter Amendment Election would be November 2017.

Item 4 was addressed at this time.

4. Briefing and Possible Action on a Council Consideration Request from Council Member Roberto C. Treviño, District 1, for Amendments to the Ethics Code

Ms. Martha Sepeda reported that the Ethics Review Board was created in 2004 by Charter Amendment and had received 98 complaints since its inception, with approximately half of the complaints filed being dismissed. She highlighted increased ethics training for City Officials and Staff and stated that the City Attorney's Office was ready to assist the Ethics Review Board in addressing Councilmember Treviño's Council Consideration Request (CCR).

Councilmember Treviño referenced the Mayor's recent Waiver and discussed the need to consider the Ethics Code beyond the context of a single incident. He stated that the purpose of his CCR was to strengthen the role of the Compliance Auditor who is charged with giving ethics advice and guidance to City Officials and Staff. He mentioned the need to insulate the Ethics Review Board and Compliance Auditor from influence by City Officials and Staff and asked that the Item be forwarded to the Ethics Review Board for consideration.

Mr. Sam Millsap stated that the City's Ethics Code should be improved when experience suggests that changes would produce a more robust Ethics Process. He reported that the Ethics Review Board would act as expeditiously and transparently as possible in consideration of the CCR.

Councilmember Gallagher stated the need to fully vet the Item and carefully consider the delegation of powers in the Ethics Process. He referenced previous Ethics Waivers and discussed the possibility of compromising the power of future City Councils.

Councilmember Nirenberg called for a higher level of independence and scrutiny in the Ethics Process and noted that public confidence would suffer without the Ethics Review Board and Compliance Auditor.

Councilmember Krier asked for examples of best practices from other American Cities to be provided at a later time. He highlighted the need to consider the impact to future City Councils.

Councilmember Viagran moved to forward the Item to the Ethics Review Board and Charter Review Commission and to receive a briefing by City Staff at a future meeting of the Governance Committee. Councilmember Gallagher seconded the motion. The motion carried unanimously.

3. Briefing and Possible Action on a Council Consideration Request from Council Member Rey Saldaña, District 4, and Council Member Ron Nirenberg, District 8, for Amendments to the Ethics Code relating to waivers

Ms. Martha Sepeda reported that the Ethics Code was created by Ordinance and could be amended, changed, waived, and repealed by the City Council. She explained that oversight of the Ethics Code was a Legislative Responsibility of the City Council and could not be delegated to another Body. She stated that the CCR would remove the City Council's ability to unilaterally waive provisions of the City's Ethics Code and stated that such a provision would be unsustainable as future City Councils could overturn the Ordinance. She noted that the current Waiver Process does not include the Ethics Review

Board and lacks the opportunity to self-report. She suggested the Ethics Review Board provide recommendations to the City Council regarding waivers and mentioned that inclusion of the Ethics Review Board in the Waiver Process would provide opportunities for public discussion.

Councilmember Saldaña stated that the goal of the CCR was to strengthen the Ethics Process to further safeguard the Public Trust. He referenced the Mayor's recent Waiver of the Ethics Code and stated that there were not enough options available in the Ethics Process.

Councilmember Nirenberg asked Mr. Millsap to provide the stance of the Ethics Review Board on the issue. Mr. Millsap suggested that a Self-Reporting Process could be instituted with the removal of language requiring public criticism for a Declaratory Ruling. He stated that the Ethics Review Board was in support of removing the City Council's authority to waive violations of the Ethics Code.

Councilmember Gallagher urged caution as the Item moves forward for consideration.

Councilmember Nirenberg moved to forward the CCR to the full City Council for consideration. The motion died for lack of a second.

Councilmember Gallagher moved to combine the CCRs regarding amendments to the Ethics Review Process and forward to the Ethics Review Board for recommendation. Councilmember Viagran seconded the motion. The motion carried unanimously.

ADJOURN

There being no further discussion, Mayor Taylor adjourned the meeting at 2:09 pm.

ATTEST:



Leticia M. Vacek, TRMC/CMC/MMC
City Clerk



Ivy R. Taylor, Mayor

