

# **ETHICS REVIEW BOARD MEETING MINUTES TUESDAY, MARCH 28, 2017**

A meeting of the Ethics Review Board (ERB) was held on Tuesday, March 28, 2017 at 6:00 pm in the "C" Room of the Municipal Plaza Building, 114 West Commerce Street, San Antonio, Texas with the following present:

**Ethics Members Present:** Melanie Castillo, Ruben De Leon, Adriana Garcia, Magdalena Alvarado, Linda Jackson, Wade Shelton, Rodney Van Kirk, and Paula McGee

**Ethics Members Absent:** Courtney Hilliard and Victoria Moreno-Herrera

**Staff Present:** Sheryl Sculley, *City Manager*; Andy Segovia, *City Attorney*; Kevin Barthold, *City Auditor*; Leticia Vacek, *City Clerk*; Camila Kunau, *Assistant City Attorney*; Tina Flores, *Compliance Auditor*; Melinda Uriegas, *Assistant City Clerk*; and Rosalinda Diaz, *Sr. Administrative Assistant*

**Others Present:** Carlton Soules, *Citizen*; Art Hall, *Citizen*; Gay Wright, *Citizen*; Ruby Webb, *District 8 Staff*; Edmond Ortiz, *Rivard Report*; Andres Peña, *Kaufman & Killen*

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## **CALL TO ORDER**

Chairwoman Adriana Garcia called the meeting to order at 6:00 pm.

## **ROLL CALL**

Mrs. Diaz called the roll noting that a quorum was present.

### **1. Swearing in and Administration of Oath of Office for Board Members Wade Shelton (District 9) and Rodney Van Kirk (District 10).**

Mrs. Leticia M. Vacek, City Clerk, administered the Statement of Officer and Oath of Office to Wade Shelton and Rodney Van Kirk.

Chairwoman Garcia welcomed Messrs. Shelton and Van Kirk to the Ethics Review Board.

### **2. Election of Vice Chair and Panel Assignments.**

Chairwoman Garcia stated that she had created three Panels and reported that Panels A and B would oversee Ethics complaints forwarded to the Compliance Auditor by the Office of the City Clerk while Panel C would make Ethics and Campaign Finance Codes recommendations. She noted that additional assignments would be made upon membership finalization.

Chairwoman Garcia reported that the Vice-Chair position was open due to the resignation of Marc Whyte and opened the floor for nominations.

Ms. Jackson moved to nominate herself as Vice-Chair. Ms. Alvarado seconded the motion.

Mr. Shelton moved to nominate Mrs. McGee as Vice-Chair. Mrs. McGee seconded the motion by accepting the nomination.

The motion nominating Ms. Jackson as Vice-Chair of the ERB failed.

The motion nominating Mrs. McGee as Vice-Chair of the ERB passed.

Chairwoman Garcia announced Mrs. McGee as Vice-Chairman and extended her congratulations.

Chairwoman Garcia acknowledged Mrs. Sculley and Mr. Segovia for their attendance.

### **3. Approval of the minutes of the Ethics Review Board Meeting held on January 25, 2017.**

Mr. De Leon moved to approve the minutes of the Ethics Review Board Meeting held on January 25, 2017. Mr. Van Kirk seconded the motion.

Mrs. McGee commented that the minutes were very detailed but expressed concern regarding the capitalization of many terms. Mrs. Vacek agreed and noted that a different staff member drafted same; she added that the recommended revisions would be made to the minutes.

The motion prevailed by the following vote: **AYES:** Castillo, De Leon, Garcia, Alvarado, Jackson, Shelton, Van Kirk, and McGee. **NAY:** None. **ABSENT:** Hilliard and Moreno-Herrera.

At this time, the ERB addressed Item 5.

### **5. Schedule Monthly Meetings.**

Chairwoman Garcia provided a history of the board's meeting frequency and recommended that monthly meetings be held from this point forward. After discussion, it was agreed to schedule ERB meetings on the first Tuesday of the month with panel meetings to be held on the last Tuesday of the month.

### **6. Presentation of City Structure and Organizational Chart.**

Chairwoman Garcia referenced the city's organizational chart provided in their packets. She explained the importance of board members being informed of the city's reporting structure.

Mr. Barthold provided a brief overview of the city's organizational chart.

At this time, the ERB addressed Item 4.

#### **4. 2016 Annual Report of the Ethics Review Board.**

Mrs. Flores noted that since the Annual Report was not provided to the ERB in advance of the meeting; action would be taken at the next ERB meeting. She added that recommendations could be made at this time.

Mr. Barthold provided an overview of the Annual Report and noted that the content was governed by the Ethics Code.

Mrs. McGee asked who had prepared the report. Mrs. Flores responded that she had prepared the report with assistance from the Offices of the City Clerk and the City Attorney.

#### **7. Discussion of Council Consideration Requests (CCR).**

Chairwoman Garcia explained that the Governance Council Committee had forwarded two CCRs for the ERB to discuss and make recommendations. She stated that a formal response was in draft form, but more discussion by the Panel was needed. She proposed waiting until after the City Election to provide the Governance Council Committee with a formal and final response.

Mr. De Leon asked when the election would be concluded. Mrs. Vacek replied that the City Election would conclude on June 10<sup>th</sup> if a run-off election is required. Mr. De Leon recommended that the ERB discuss the CCRs and responses at the June scheduled meeting. Chairwoman Garcia reported that the panel would meet to finalize responses to both CCRs and present them to the ERB in June. She noted that if necessary, the ERB could finalize and approve the response at the scheduled meeting in July.

Mrs. McGee agreed with the timeline since ethics and campaign finance recommendations made within the CCRs were still being discussed.

Mr. De Leon asked of the ability of Councilmembers elected in May to make changes to the ERB's recommendations. Mrs. Sculley responded that recommendations made could be changed with the election of the 2017-2019 Council. She noted that the Mayor could also make changes to the Council Committee assignments. Mrs. Sculley reported that Governance Council Committee membership was expected to change as two current members were not seeking re-election.

Chairwoman Garcia noted that the panel had completed one CCR response and was close to finalizing the second response. She reported that both responses would be presented to the ERB upon finalization.

#### **8. Revisions to the Ethics Code.**

Mr. Barthold provided an overview of the changes in the redline version of the Ethics Code. Mr. Shelton suggested changing the language of Section 2-54(b) for further clarification on self reporting.

Chairwoman Garcia requested that the ERB review the latest redline changes to the Ethics Code and to reach out to the panel with any changes or questions.

## **9. Revisions to the Municipal Campaign Finance Code.**

Chairwoman Garcia stated that due to time constraints; said item would not be addressed. She noted that Item No. 9 would be discussed at the next ERB meeting.

## **10. Process after Ethics Complaint filed.**

Mrs. Flores noted that the packet provided to members contained a timeline for processing Ethics complaints and guidelines for Public Hearings.

Chairwoman Garcia requested that the board review the information provided and that said item be discussed at the next meeting.

## **11. Citizens to be Heard.**

Mr. Carlton Soules read a prepared statement regarding his concerns on the process for reviewing ethics complaints. He stated that the board should make the decision to accept or reject a complaint and urged the board to change the current process of vetting complaints.

Chairwoman Garcia opened the floor for comments. Mr. De Leon recommended that all complaints received be forwarded to the full board regardless of the panel's decision. He spoke of the importance of ERB members being aware of alleged violations.

Mrs. McGee stated that she appreciated Mr. Soules bringing forth his concerns before the board. She stated that she was aware of complaints submitted since her appointment last November, but not knowledgeable of specific issues referenced in the complaints. Mrs. McGee noted that the recommendations being made by Mr. Soules should be addressed in the Ethics Code or in the ERB policies and procedures.

Mr. Shelton outlined the current practice once complaints were received. He asked of the process and the ability of the ERB to discuss complaints not forwarded to the ERB. Mr. Barthold replied that there was not a process currently in place for the full board to discuss and review all complaints submitted. He noted that the Annual Report contained a list of all complaints received and reviewed. Mr. Segovia spoke of the importance of utilizing a filtering process to review complaints prior to being forwarded to the ERB.

Chairwoman Garcia reported that she had communicated to the Compliance Auditor and the City Attorney of her desire to receive all complaints submitted. She noted that she would assist in reviewing incoming complaints.

Mr. Shelton stated that the ERB should protect due process and privacy laws within their jurisdiction. He addressed challenges that may hinder ERB members when evaluating complaints and presenting their findings to the full board.

Mrs. McGee asked of the possibility of receiving contact information for ERB members. Mrs. Kunau asked that board members be mindful and adhere to Open Meeting rules when communicating with each other.

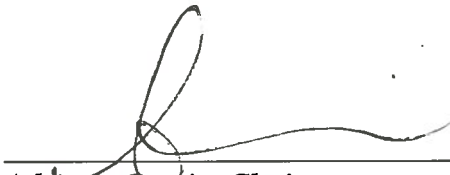
Mrs. Sculley reported that Ethics Training is required to be completed by all City employees. She highlighted city-wide policies and procedures she implemented which has resulted in the decrease of complaints filed with the Office of Municipal Integrity.

## **ADJOURNMENT**

Ms. Alvarado moved to adjourn the meeting. Mrs. McGee seconded the motion.

The motion prevailed by the following vote: **AYES:** Castillo, De Leon, Garcia, Alvarado, Jackson, Shelton, Van Kirk, and McGee. **NAY:** None. **ABSENT:** Hilliard and Moreno-Herrera.

There being no further discussion, Chairwoman Garcia adjourned the meeting at 7:15 pm.



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*Adriana Garcia, Chair*

Respectfully Submitted,



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*Rosalinda G. Diaz, Office of the City Clerk*