

ETHICS REVIEW BOARD MEETING MINUTES TUESDAY, JULY 11, 2017

A meeting of the Ethics Review Board (ERB) was held on Tuesday, July 11, 2017 at 6:00 pm in the Media Briefing Room of City Hall, 100 Military Plaza, San Antonio, Texas with the following present:

Ethics Members Present: Melanie Castillo, Ruben De Leon, Adriana Garcia, Linda Jackson, Victoria Moreno-Herrera, Ron Van Kirk, and Paula McGee

Ethics Members Absent: Courtney Hilliard, Magdalena Alvarado, and Wade Shelton

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

Others Present: Trey Jacobson, *Mayor's Office*; Art Hall, *Charter Review Commission*; Mitsuko Ramos, *GRGTX*; Bonnie Arbittier, *Rivard Report*; and Gay Wright, *Citizen*

CALL TO ORDER

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

ROLL CALL

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

1. Approval of the minutes of the Ethics Review Board Meeting held on May 02, 2017.

Mr. Van Kirk moved to approve the minutes of the Ethics Review Board Meeting held on May 02, 2017. Mrs. McGee seconded the motion. Motion carried unanimously by those present.

2. Panel assignment update provided by Dr. Garcia, Chair.

Chairwoman Garcia outlined ERB Panel assignments to review Ethics Complaints, Ethics Code, Municipal Campaign Finance Code, and Council Consideration Requests.

Mr. De Leon entered the meeting at this time.

3. Discussion and possible action of potential revisions of the Ethics Code recommended by the Ethics Panel and City Staff.

Mrs. Flores highlighted the substance changes recommended by the Ethics Panel and city staff to the Ethics Code. She addressed questions and concerns regarding the recommended changes.

Chairwoman Garcia emphasized that the recommended change to Section 2-83(d)(1) would give the ERB an added level of independence. She thanked the members of the Panel for their hard work.

Mr. De Leon moved to accept the recommended changes to the Ethics Code and forward them to the Governance Committee. Mrs. Moreno-Herrera seconded the motion. Motion carried unanimously by those present.

4. Discussion and possible action of potential revisions to the Municipal Campaign Finance Code recommended by the Ethics Panel and City Staff.

Mr. De Leon thanked the Panel members and city staff for their contributions to the Municipal Campaign Finance Code recommendations.

Mrs. Flores outlined the substance changes recommended by the Ethics Panel and city staff to the Municipal Campaign Finance Code. She answered questions and concerns regarding the recommended changes.

Mrs. Flores discussed the addition of Section 2-307(b)(4) regarding the electronic filing of campaign finance reports that was recommended by a Councilmember. She explained that the State required Legislative and Judicial Officers to include the principal occupation, job title, and employer of each contributor in Campaign Finance Reports but it was optional for Municipalities.

Ms. Jackson asked of the purpose for including the contributor's employer and job title. Mrs. Flores replied that the information would be beneficial when a person had a common name.

Mr. De Leon asked of the benefit to having the additional information. Mr. Barthold stated that it would be more of a convenience for individuals with common names. He noted that his staff used various resources and search tools to gather the required information regarding the contributor and having the additional information would not be significant.

Mrs. Vacek informed the Board that Councilmember Courage had requested the additional requirement. She added that Councilmember Courage previously ran for State Office and was familiar with the requirement. She reported that other cities follow what is required by State Law for Municipalities and that the inclusion of said information was not a requirement for Municipalities.

Chairwoman Garcia stated that more information regarding Section 2-307(b)(4) was needed before a final determination was made to add the recommendation or not. She requested that more research be conducted.

Ms. Castillo requested that Section 2-309(c) be amended to identify the person disqualified from being awarded a contract. Mrs. Kunau agreed that the statement should be revised for clarity.

Mrs. Flores recommended that the Ethics and Municipal Campaign Finance Codes recommendations be sent to the Governance Committee together. She noted that the Ethics Panel would meet to finalize the Municipal Campaign Finance Code and present their recommendations to the full Board in August.

5. Discussion of Council Consideration Requests (CCRs) filed by Councilmembers Nirenberg, Saldaña, and Treviño.

Chairwoman Garcia outlined the proposed response that the ERB would forward to the Governance Committee to include strengthening the various areas of the Ethics Code addressed in the CCRs filed by Councilmembers Nirenberg, Saldaña, and Treviño.

Ms. Castillo stated that Councilmember Treviño had expressed concern with the recommended Code changes as they did not adequately address the Ethics Code Amendments outlined in the CCR he submitted. She added that Councilmember Treviño supported the initiative to have the Compliance Auditor independent from the City.

Chairwoman Garcia stated that Councilmember Treviño's concern was addressed by changing the Ethics Code to state that three individuals would review the complaint independently to reach a determination.

Mr. Segovia requested changing the wording to the section titled, "City Attorney providing ethics advice" to clarify that the City Attorney's Office was not waiving the right to provide legal advice to the ERB, City Council, or City Staff. He stated his office would provide the appropriate language.

Ms. Jackson moved to approve the response subject to the City Attorney's modification. Mr. Van Kirk seconded the motion.

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

6. High profile contract update.

Mrs. Flores described the criteria required for a contract to be categorized as a High Profile Contract. She explained what parameters were used to evaluate High Profile Contracts.

Mr. De Leon requested to have city staff present on various topics to the Board on a quarterly basis.

7. Citizens to be Heard.

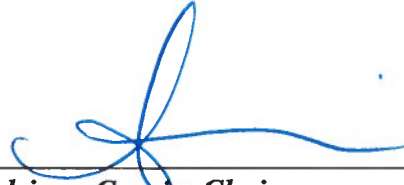
Ms. Gay Wright recommended that Citizens to be Heard be held at the beginning of the meeting. She stated that a complaint she submitted in 2015 was referred to outside counsel and was not reviewed by the ERB. She stated that the recommended changes to the Codes addressed her concerns.

Executive Session: Attorney-Client matters may be discussed on any of the items listed above under Section 551.071 (consultation with attorney) of the Texas Open Meetings Act.

There was no Executive Session.

ADJOURNMENT

There being no further discussion, Chairwoman Garcia adjourned the meeting at 7:38 pm.



Adriana Garcia, Chair

Respectfully Submitted,



Rosalinda G. Diaz, Office of the City Clerk