

# **ETHICS REVIEW BOARD MEETING MINUTES TUESDAY, OCTOBER 23, 2018**

A meeting of the Ethics Review Board (ERB) was held on Tuesday, October 23, 2018 at 6:00 pm in the Municipal Plaza Building, "C" Room, 114 W. Commerce, First Floor, San Antonio, Texas with the following present:

**Ethics Members Present:** Patrick Lang, Adriana Garcia, Magdalena Alvarado, Linda Jackson, Michael Soto, Victoria Moreno-Herrera, Ron Van Kirk, and Paula McGee

**Ethics Members Absent:** Bob Wise, Jr., Ruben De Leon, and Wade Shelton

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

**Others Present:** Natalie Rougeux, *Outside Counsel*; Shawn Fitzpatrick, *Counsel for Councilmember William Shaw*; Eiginio Rodriguez, *Complainant*; Jarvis Soileau, *District 2 Field Office Staff*; Ray Rodriguez, *Citizen*

## **CALL TO ORDER**

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

## **ROLL CALL**

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

### **1. Approval of Ethics Review Board Meetings Minutes of August 14, 2018.**

Mrs. McGee moved to approve the minutes of the Ethics Review Board Meeting held on August 14, 2018. Mr. Van Kirk seconded the motion. Motion carried unanimously by those present.

### **2. Discussion and possible action on the sworn complaint filed by Eiginio Rodriguez against Councilmember William Shaw, District 2 and Jarvis Soileau, District 2 Field Office Staff.**

Chairwoman Garcia stated that outside counsel had been obtained to advise the ERB, since the complaint was against a Councilmember. She noted that Mr. Lang and Ms. Jackson were recusing themselves from Item 2 and they exited the room. She introduced Ms. Natalie Rougeux as outside counsel.

Ms. Natalie Rougeux provided a summary of the complaint submitted by Mr. Rodriguez against Councilmember William Shaw and Jarvis Soileau. She stated that the complaint alleged three potential violations. The first violation was the use of City resources to distribute political

information through email. The second violation was the use of the Claude Black Community parking lot used for shuttle services to the event. The third complaint was the use of City-owned shuttles. She stated that after reviewing the complaint; she had determined that only the use of City resources to distribute political information through email would be referred to the ERB. She explained that the use of the parking lot and shuttle services did not violate the Ethics Code.

Ms. Rougeux stated that timely responses regarding Mr. Rodriguez's complaint were submitted by Councilmember Shaw and Mr. Soileau. She noted the Mr. Soileau stated in his response that he had self-reported after he was notified that there was a Facebook post stating that he had circulated a political email. She stated that the applicable provisions the ERB could consider in the Ethics Code were Sec. 2-49 Public property and resources, Sec. 2-51 Actions of others, and Sec. 2-54 Person required to report; time to report; place to report.

Ms. Rougeux stated that the ERB's responsibility was to consider whether the facts established violated any provisions of the Ethics Code. She outlined the following possible ERB resolutions:

- Dismiss the complaint without any further proceedings
- Schedule a hearing
- Determine a violation occurred and impose sanctions

Chairwoman Garcia asked Mr. Barthold if City Council Staff Members receive Ethics Training. He stated that the City Attorney's Office, Office of the City Clerk, and the Auditor's Office provide Ethics and Open Meetings Training annually to Council Staff.

**Executive Session: Attorney-Client matters may be discussed on any of the items listed above under Section 551.071 (consultation with attorney) and 551.074 (personnel matters) of the Texas Open Meetings Act.**

Chairwoman Garcia recessed the meeting at 6:19 pm to convene in Executive Session, pursuant to Texas Government Code Section 551.071 (consultation with attorney) of the Texas Open Meetings Act.

Chairwoman Garcia reconvened the Ethics Review Board Meeting at 6:42 pm and announced that no action was taken in Executive Session.

Mr. Van Kirk asked Mr. Soileau if there was any indication that the source of the email indicated that the meeting was political in nature. Mr. Soileau answered that there was no indication, because the conversation in the email stated, "Community Breakfast." He noted that communication in the district was a challenge so they rely on neighborhood presidents to provide information to distribute throughout the district.

Ms. Moreno-Herrera asked Mr. Soileau what process the district used to forward emails to subscribers. Mr. Soileau replied that he focused more on emails received from neighborhood presidents and community partners. He noted that information received is sent to constituents in the district through email blast or Facebook. He stated that his main focus was to represent the district with integrity and ethically.

Chairwoman Garcia recessed the meeting at 6:45 pm to convene in Executive Session, pursuant to Texas Government Code Section 551.071 (consultation with attorney) of the Texas Open Meetings Act.

Chairwoman Garcia reconvened the Ethics Review Board Meeting at 6:46 pm and announced that no action was taken in Executive Session.

Mr. Soto moved to find that the complaint failed to allege an Ethics Code violation and to dismiss the complaint without any further proceedings. Ms. Moreno-Herrera seconded the motion. Motion carried unanimously by those present.

### **3. Citizens to be Heard.**

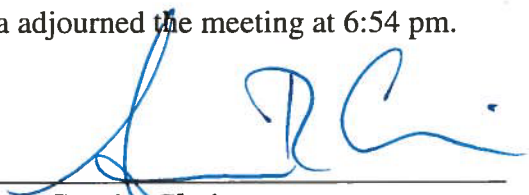
Mr. Eiginio Rodriguez stated that he appreciated that Mr. Soileau showed due diligence by self-reporting.

Chairwoman Garcia recessed the meeting at 6:49 pm to convene in Executive Session, pursuant to Texas Government Code Section 551.071 (consultation with attorney) of the Texas Open Meetings Act.

Chairwoman Garcia reconvened the Ethics Review Board Meeting at 6:54 pm and announced that no action was taken in Executive Session.

### **ADJOURNMENT**

There being no further discussion, Chairwoman Garcia adjourned the meeting at 6:54 pm.

  
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*Adriana Garcia, Chair*

Respectfully Submitted,

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