

# **ETHICS REVIEW BOARD MEETING MINUTES TUESDAY, NOVEMBER 27, 2018**

A meeting of the Ethics Review Board (ERB) was held on Tuesday, November 27, 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:** Bob Wise, Jr., Patrick Lang, Ruben De Leon, Adriana Garcia, Linda Jackson, Wade Shelton, Ron Van Kirk, and Paula McGee

**Ethics Members Absent:** Magdalena Alvarado, Michael Soto, and Victoria Moreno-Herrera

**Staff Present:** 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:** Rhett Smith, *Public Access TV*

## **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 the minutes of the Ethics Review Board Meeting held on October 23, 2018.**

Mr. Van Kirk moved to approve the minutes of the Ethics Review Board Meeting held on October 23, 2018. Mr. De Leon seconded the motion. Motion carried unanimously by those present.

### **2. Discussion and possible action on a request for a waiver of the Ethics Code.**

Ms. Camila Kunau reported that a Panel of the ERB had met on November 13, 2018 to discuss the request for opinion received from Angela Cardona, a former employee with the Development Services Department. She described the job duties that Ms. Cardona performed as a City Employee and for her current employer, Southside First. She noted that Southside First wished to expand Ms. Cardona's job duties which would include communication with City Staff.

Ms. Kunau stated that the Panel had reviewed the statements made in the letter submitted by Ms. Cardona and had discussed Sections 2-56, 2-88, and 2-89 of the Ethics Code. She noted that after the Panel Discussion; they unanimously decided to deny the request for waiver.

During discussion, the ERB reviewed Sections 2-56, 2-88, and 2-89 of the Ethics Code. The Board concluded that Ms. Cardona did not clearly communicate whether she was requesting an opinion or a waiver. The Board noted that a waiver could not be granted since Ms. Cardona had not violated Section 2-56(b) of the Ethics Code.

Mrs. Tina Flores stated that the Panel had determined that Ms. Cardona could continue to work with Southside First but could not be the face for the nonprofit organization. She recommended that the Board define and discuss the process for waivers and opinions during future discussions on Code Revisions.

Mrs. Flores and Ms. Kunau proposed that the Board issue an advisory opinion to Ms. Cardona explaining Section 2-56(b) and clarifying a waiver and opinion.

Mr. Shelton moved to accept the Panel's recommendation and requested that staff prepare an advisory opinion as set out by Mrs. Flores and Ms. Kunau. Mr. De Leon seconded the motion. Motion carried unanimously by those present.

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

There were no citizens registered to speak.

**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.**

The Executive Session was not held.

### **ADJOURNMENT**

There being no further discussion, Chairwoman Garcia adjourned the meeting at 6:36 pm.

  
for **Adriana Garcia, Chair**

Respectfully Submitted,

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