



ETHICS REVIEW COMMISSION MINUTES

**REGULAR MEETING
Tuesday, April 29, 2014**

The Ethics Review Commission (“Commission”) convened in a regular meeting on Tuesday, April 29, 2014, at Austin City Hall, 301 W. 2nd Street, Room 1029, in Austin, Texas.

Chair Austin Kaplan called the meeting to order at 6:07 p.m.

Commission members in attendance: Chair Austin Kaplan, Vice Chair Velva Price, Peter Einhorn, Donna Beth McCormick, James Sassin, and Dennis Speight. Not present: James Ruiz.

Staff in Attendance: Assistant City Attorney Cynthia Tom, Communications and Public Information Office Public Relations Manager Patricia Fraga, ATXN Station Manager Keith Reeves, and City Clerk Jannette Goodall.

Item No. 1: There were no speakers for general citizen communication.

Item No. 2 was postponed.

Item No. 5.a.: Chair Kaplan took up Item No. 5.a. out of order. Public Relations Manager Fraga and ATXN Station Manager Reeves briefed the Commission on proposed changes relating to the locations and dates for the 2014 City Council election candidate forums.

Item No. 3.a.: The candidate forum working group and other Commission members discussed candidate forum planning details with Public Relations Manager Fraga, Station Manager Reeves, and Frances McIntyre of the League of Women Voters of the Austin Area. Commission Member Speight made a motion for the Commission to delegate to the candidate forum working group the task of finalizing candidate forum details in coordination with City staff and the League of Women Voters. Commission Member Sassin seconded the motion. The motion was approved on a 6-0 vote. Commission Member Ruiz absent.

Item No. 4.a. and Item No. 5.b.: Chair Kaplan took up Items No. 4.a. and 5.b. together and out of order. City Clerk Goodall briefed the Commission on issues relating to City statements of financial information and possible confusion regarding how to fill out the forms. Assistant City Attorney Tom briefed the Commission on issues related to the statements of financial information, the role of the City Human Resources Department, and the jurisdiction of the Commission. The Commission discussed these issues and also heard comments from members of the public regarding statements of financial information.

Vice Chair Price made a motion to create a working group, consisting of Chair Kaplan and Commission Member Einhorn, to propose revisions to the statements of financial information

forms. The motion was seconded by Commission Member McCormick. The motion was approved on a 6-0 vote. Commission Member Ruiz absent. Commission Member Speight made a motion to expand the scope of the forms revision working group to also review City Code provisions pertaining to statements of financial information and the definition of “city official” (City Code, Chapter 2-7, Article 5) and to recommend amendments to City Code if necessary. The motion was seconded by Vice Chair Price. The motion was approved on a 6-0 vote. Commission Member Ruiz absent.

Vice Chair Price made a motion to create a separate working group, consisting of Commission Members Speight and Sassin, to evaluate whether the Commission should adopt a policy to undertake a periodic review of filed statements of financial information for compliance purposes. The motion was seconded by Commission Member Einhorn. The motion was approved on a 6-0 vote. Commission Member Ruiz absent.

Item No 4.b.: Chair Kaplan took up Item No. 4.b. out of order. The Commission discussed the City Auditor’s Integrity Unit’s investigations and reports generally as well as the Report on Allegations Involving a Zero Waste Commissioner (NOTICE: THIS REPORT HAS NOT BEEN ACCEPTED BY THE AUSTIN CITY COUNCIL AND IS SUBJECT TO RESOLUTION NO. 20141016-024, PASSED ON OCTOBER 16, 2014) and possible action by the Commission to file a complaint on its own initiative. The Commission heard comments from members of the public, including former Zero Waste Advisory Commission Member Daniela Ochoa Gonzalez. The Commission requested the presence of the City Auditor at the Commission’s next regular meeting in July. The Commission also requested that, at its next regular meeting in July, City staff provide a briefing on the ethics and conflicts of interest training that is provided to City board members. Commission Member Einhorn made a motion that the Commission take no action on the item, which was seconded by Vice Chair Price. Commission Member Einhorn then withdrew his motion, and Vice Chair Price withdrew her second. The Commission did not take any action on this item.

Item No. 3.c.: Chair Kaplan took up Item No. 3.c. out of order. The working group, consisting of Chair Kaplan, and Assistant City Attorney Tom explained the bylaws change to the Commission. Commission Member Speight made a motion to approve the proposed revisions to the bylaws, which was seconded by Vice Chair Price. The motion was approved on a 6-0 vote. Commission Member Ruiz absent.

Item No. 5.c.: Chair Kaplan took up Item No. 5.c. out of order. Chair Kaplan and Assistant City Attorney Tom explained the history of the Commission’s candidate brochure, its purpose, its recent revision by the Law Department, and that Commission member comments on the brochure could be sent to City staff.

Item No. 3.b.: On behalf of the working group, Vice Chair Price summarized the latest draft of the proposed complaint hearing rules and requested postponement of approval of the final draft of the rules until the next Commission meeting. The Commission discussed the rules, and Assistant City Attorney Tom provided legal advice to the Commission.

Item No. 6: The Commission discussed the following future agenda items: a staff briefing on the City Auditor's complaint process and a staff briefing on ethics and conflict of interest training provided to City board members.

Vice Chair Price made a motion to adjourn which was seconded by Commission Member Speight. The motion was approved on a 6-0 vote. Commission Member Ruiz absent. The meeting adjourned at 8:05 p.m.