



ETHICS REVIEW COMMISSION

MEETING MINUTES

Wednesday, September 9, 2020

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, September 9, 2020, Austin, Texas via Videoconference.

Chair Luis Soberon called the meeting to order at 6:06 p.m.

Commissioners in attendance: Chair Luis Soberon, Vice-Chair J. Michael Ohueri, Secretary Kenneth “Tray” Gober, and Commissioners Debra Danburg, Betsy Greenberg, Mary Kahle, Raafia Lari, Robin Lerner, Donna Beth McCormick, and Nathan Ryan. Commissioner Pedro A. Villalobos were absent.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney, Sue Palmer, Staff Liaison, Law Department; Brian Molloy, Chief of Investigations in the Office of the City Auditor; Jannette Goodall, City of Austin City Clerk; Kory Ellis, IT Manager, Communications and Technology Management Department; and Brion Oaks, Chief Equity Officer, Equity Office.

CITIZEN COMMUNICATION

Each person who signed up to speak prior to the meeting being called to order and who designated this item on which to speak, or who did not designate an agenda item on which to speak will be allowed three minutes to speak.

There were no speakers for Citizen Communication.

1. NEW BUSINESS

Discussion and possible action regarding the following:

Potential amendments to City Code Chapter 2-3 (City Auditor) related to the City Auditor’s investigative and referral authority.

Office of the City Auditor, Chief of Investigations, Brian Molloy provided a presentation on proposed amendments to City Code Chapter 2-3 (City Auditor), Section 2-3-5 (Powers and Duties) Subsection (O).

No action was taken by the Commissioners on this item.

2. OLD BUSINESS – PART ONE

Discussion and possible action regarding the following:

- a. Transparency in the open meeting process, including the process for public speakers and the Commission’s jurisdiction and role.

City Clerk Jannette Goodall and IT Manager Kory Ellis answered Commissioner questions on the process and unique issues for public speakers and public participation during virtual public meetings of the City.

No action was taken by the Commissioners on this item.

3. STAFF BRIEFINGS

Equity Office presentation on the creation and purpose of the City of Austin's Equity Office
– Brion Oaks, Chief Equity Officer.

Mr. Oaks provided a presentation on the Equity Office; its role at the City of Austin; and the services, trainings, and guidance provided by the Equity Office to city departments and city boards. (No action is taken by the Commission on staff briefings.)

4. OLD BUSINESS – PART TWO

Discussion and possible action regarding the following:

- b. Equity Working Group (Commissioners Kahle, Lari and Ryan) status report and/or recommendations on: addressing issues of race, identity, and equity including: (i) planning for presentations or trainings by the Equity Office; (ii) helping focus the Commission's evaluation of racial injustice and how the Commission can operate more fairly and effectively in light of racial injustice.

No action was taken on this item.

- c. Candidate forums update and potential rules for the live-stream virtual candidate forums moderated by the League of Women Voters, to include considerations such as the potential for a candidate's loss of connectivity during the moderated candidate forum.

Chair Soberon made a motion to adopt the following rule for moderated city council candidate forums: city staff and the moderators of the candidate forums should attempt to establish reconnection with any candidate in the event the candidate is disconnected due to technical difficulties and, at an appropriate time during the forum, allow the candidate the same opportunity to answer questions that the candidate was unable to answer due to technical difficulties.

The motion was seconded by Commissioner Kahle and approved by a unanimous vote of the commissioners in attendance. Voting in favor: Chair Soberon, Vice-Chair Ohueri, Secretary Gober, and Commissioners Danburg, Greenberg, Kahle, Lari, Lerner, McCormick, and Ryan. Commissioner Villalobos was absent.

- d. Other Working group status reports and/or recommendations on the following.
 - Working group one (Vice-Chair Ohueri and Commissioners Greenberg and Lerner) on the following subjects:
 - Commission sanctions including effectiveness, past cases, and recommendations.
 - Potential amendments to City Code, Chapter 2-7 (Ethics and Financial Disclosure).

Commissioner Greenberg provided an update and requested guidance from the Law Department on the option of civil fines. No action was taken on this item.

- Working group two (Chair Soberon, Secretary Gober, and Commissioner Lari) on the following subjects:
 - Commission procedures including effectiveness, past cases, and recommendations.

- Scope of work of the Commission (powers, duties, and obligations), including effectiveness, past cases, and recommendations.
- Potential amendments to the Rules of the Ethics Review Commission.
- Best practices for city attorney opinions including effectiveness, past cases, and recommendations.

Chair Soberon provided an update on this working group. No action was taken on this item.

5. APPROVAL OF MINUTES: AUGUST 12, 2020 REGULAR COMMISSION MEETING

Discussion and possible action regarding the minutes for the August 12, 2020 regular commission meeting.

Commissioner McCormick made a motion to approve the minutes, which was seconded by Commissioner Ryan. The motion passed on a unanimous vote of 10-0 by the members in attendance. Voting in favor of the motion: Chair Soberon, Vice-Chair Ohueri, Secretary Gober, and Commissioners Danburg, Greenberg, Kahle, Lari, Lerner, McCormick, and Ryan. Commissioner Villalobos was absent.

6. FUTURE AGENDA ITEMS

The working groups will continue to be included as standing items.

There will be an update on the candidate forums.

There will be an executive session on the City's authority for civil fines or penalties.

There will be a preliminary hearing on the complaint filed on September 3, 2020 by Brian Molloy, Office of the City Auditor, against MPT Delia Garza.

ADJOURNMENT

The meeting adjourned at 8:29 p.m.