

Versión en español a continuación.

Regular Meeting of the Ethics Review Commission

Wednesday, June 9, 2021 at 6:00 p.m.

Ethics Review Commission to be held June 9, 2021 with Social Distancing Modifications

Public comment will be allowed via telephone; no in-person input will be allowed. **All speakers must register in advance no later than Tuesday, June 8, 2021** by noon. All public comment will occur at the beginning of the meeting.

To speak remotely at the June 9, 2021 **Ethics Review Commission** Meeting, members of the public must:

- Call or email the board liaison at **512.974.2171** and lynn.carter@austintexas.gov no later than noon, (the day before the meeting). The following information is required: speaker name, item number(s) they wish to speak on, whether they are for/against/neutral, email address and telephone number (must be the same number that will be used to call into the meeting).
- Once a request to speak has been made to the board liaison, the information to call on the day of the scheduled meeting will be provided either by email or phone call.
- Speakers must call in at least 15 minutes prior to meeting start time in order to speak, late callers will not be accepted and will not be able to speak.
- Speakers will be placed in a queue until their time to speak.
- Handouts or other information may be emailed to lynn.carter@austintexas.gov by noon the day before the scheduled meeting. This information will be provided to Board and Commission members in advance of the meeting.
- If the meeting is broadcast live, it may be viewed here:
<http://www.austintexas.gov/page/watch-atxn-live>

Reunión del ETHICS REVIEW COMMISSION

FECHA de la reunion June 9, 2021

La junta se llevará con modificaciones de distanciamiento social.

Se permitirán comentarios públicos por teléfono; no se permitirá ninguna entrada en persona. Todos los oradores deben registrarse con anticipación **June 8, 2021** antes del mediodía. Todos los comentarios públicos se producirán al comienzo de la reunión.

Para hablar de forma remota en la reunión, los miembros del público deben:

- Llame o envíe un correo electrónico al enlace de la junta en **512.974.2171 and lynn.carter@austintexas.gov** a más tardar al mediodía (el día antes de la reunión). Se requiere la siguiente información: nombre del orador, número (s) de artículo sobre el que desean hablar, si están a favor / en contra / neutral, dirección de correo electrónico (opcional) y un número de teléfono (debe ser el número que se utilizará para llamar).
- Una vez que se haya realizado una solicitud para hablar con el enlace de la junta, la información para llamar el día de la reunión programada se enviará por correo electrónico o por teléfono.
- Los oradores deben llamar al menos 15 minutos antes del inicio de la reunión para poder hablar, no se aceptarán personas que llamen tarde y no podrán hablar.
- Las oradoras esperarán en una fila hasta que llegue el momento de hablar.
- Los folletos u otra información pueden enviarse por correo electrónico a lynn.carter@austintexas.gov antes del mediodía del día anterior a la reunión programada. Esta información se proporcionará a los miembros de la Junta y la Comisión antes de la reunión.
- Si la reunión se transmite en vivo, se puede ver aquí: <http://www.austintexas.gov/page/watch-atxn-live>

**ETHICS REVIEW COMMISSION
JUNE 9, 2021 AT 6:00 P.M.
VIA VIDEOCONFERENCING**



CURRENT COMMISSION MEMBERS:

Chair Luis Soberon	Vice-Chair J. Michael Ohueri	Secretary Robin Lerner
Debra Danburg	Betsy Greenberg	Mary Kahle
Raafia Lari	Michael Lovins	Donna Beth McCormick
Nguyen Stanton	Mikki Teneyuca	

AGENDA

CALL TO ORDER

CITIZEN COMMUNICATION: GENERAL

A maximum of ten persons will be allowed to speak during general citizen communications on non-agenda items. Each person must register to speak by using the procedures described on the preceding pages of this document. Each speaker who registers to speak on an agenda item no later than noon the day before the meeting will be allowed three minutes to speak. The first ten speakers who register to speak by noon the day before the meeting and who did not specify an agenda item will also be allowed three minutes to speak. Please also see the “**NOTICE Regarding Citizen Communication and Public Testimony**” at the end of this agenda.

1. EXECUTIVE SESSION

The Ethics Review Commission may announce it will go into Executive Session pursuant to Chapter 551 of the Texas Government Code to receive advice from legal counsel on any matters specifically listed on this agenda (Private Consultation with Attorney-Section 551.071).

The Commission may go into executive session to discuss:

- (a) A complaint filed by Joseph Cascino against Otto Swinger, which complaint alleges violations of City Code Chapter 2-2 (Campaign Finance) Sections 2-2-23 and 2-2-26.
- (b) Complaints filed by Mark Littlefield against Save Austin Now, which complaint alleges violations of City Code Chapter 2-2 (Campaign Finance) Sections 2-2-23 and 2-2-26.
- (c) A complaint filed by Olivia Overturf on May 17, 2021, against Mayor Pro Tem Natasha Harper-Madison, which complaint alleges violation of City Code Sections 2-2-1(B) and (E), Sections 2-7-62(B), 2-7-1(A), and 2-7-1(B)(1) and (B)(2); and which complaint also references Code Sections 2-1-44(A) and 2-1-48(A) and (C).

2. PRELIMINARY HEARING

Discussion and possible action regarding the following:

A complaint filed by Joseph Cascino against Otto Swingler, which complaint alleges violations of City Code Chapter 2-2 (Campaign Finance) Sections 2-2-23 (Political Committees) and 2-2-26 (Filing Campaign Finance Report Data) of Chapter 2-2 (Campaign Finance).

3. FINAL HEARING

Discussion and possible action regarding the following:

The complaint(s) filed on October 13, 2020 by Mark Littlefield against Save Austin Now, which allege violations of City Code Chapter 2-2 (Campaign Finance) Sections 2-2-23 (Political Committees) and 2-2-26 (Filing Campaign Finance Report Data) of Chapter 2-2 (Campaign Finance).

4. REVIEW OF JURISDICTIONAL DETERMINATION

Discussion and possible action regarding the following:

The initial determination that the Commission lacks jurisdiction over: A complaint filed by Olivia Overturf on May 17, 2021 against Mayor Pro Tem Natasha Harper-Madison, which complaint alleges violations of City Code Chapter 2-2 (Campaign Finance), Subsections (B) and (E) of Section 2-2-1 (Declaration of Policy and Legislative Findings); Chapter 2-7 (Ethics and Financial Disclosure), Sections 2-7-62(B), 2-7-1(A), and 2-7-1(B)(1) and (B)(2); and which complaint also references Code Sections 2-1-44(A) and 2-1-48(A) and (C).

5. NEW BUSINESS

Discussion and possible action regarding the following:

- (a) Draft Op-Ed by the Working Group on Race, Identity, and Equity
- (b) Draft Commission Statement on Equity, Access, and the Need for Reform by the Working Group on Race, Identity, and Equity

6. OLD BUSINESS

Discussion and possible action regarding the following:

- a. Working group status reports and/or recommendations on the following.
 - i. Working Group on Sanctions, Procedures, and other Issues (Chair Soberon, Vice-Chair Ohueri, and Commissioners Greenberg, Lerner, and Stanton) on the following subjects:
 - Commission sanctions including effectiveness, past cases, and recommendations.
 - Potential amendments to City Code, Chapter 2-7 (Ethics and Financial Disclosure).

- 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.
- ii. Working Group on Race, Identity, and Equity (Commissioners Kahle, Lari, and Soberon) 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.

7. APPROVAL OF MINUTES: APRIL 14, 2020 AND MAY 12, 2020 REGULAR COMMISSION MEETINGS.

Discussion and possible action regarding the minutes for:

- (a) the April 14, 2021 regular commission meeting and
- (b) the May 12, 2021 regular commission meeting.

8. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least two (2) days (48 hours) before the meeting date. Please call Sue Palmer at the Law Department, at (512) 974-2915 for additional information; TTY users route through Relay Texas at 711.

For more information on the Ethics Review Commission, please contact Lynn Carter at (512) 974-2171.

(See the next page for ERC Citizen Communication Instructions.)

ERC STANDARD CITIZEN COMMUNICATION INSTRUCTIONS (revised for virtual meeting purposes):

NOTICE Regarding Citizen Communication and Public Testimony:

Sign-in required: Please see the first two pages of this agenda for speaker registration/sign-in instructions. A speaker who fails to indicate an agenda item on which the speaker desires to speak will be called to speak during General Citizen Communication.

Time Limits: Speakers are limited to a maximum time limit of three minutes per speaker. A time period of six minutes will be allowed for a speaker who addresses the Commission through a translator or a speaker who needs an accommodation of a disability.

General Citizen Communication Speakers: A maximum of ten persons may speak during general citizen communications at the beginning of the meeting on any topic. Speakers will be called in the order in which the speaker signed up.

Citizen Communication or Public Testimony on a Numbered Agenda Item: A speaker who signs up to speak on a numbered agenda item will be called to speak at the beginning of the meeting, or secondly, at the beginning of the agenda item and will be called in the order in which the speaker signed up. Speaker comments must be relevant to the agenda item.