



ETHICS REVIEW COMMISSION

MEETING MINUTES Wednesday, December 8, 2021

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, December 8, 2021, Austin, Texas.

Vice-Chair Mary Kahle called the meeting to order at 6:15 p.m.

Location: Austin Energy Assembly Room No. 1111, 4815 Mueller Blvd. Austin, TX 78723

Commissioners in Attendance: Vice-Chair Mary Kahle, and Commissioners Debra Danburg, Betsy Greenberg, Raafia Lari, Michael Lovins, Donna Beth McCormick, Mikki Teneyuca, and Sidney Williams.

Members Absent: Chair Luis Soberon, Secretary Robin Lerner, and Commissioner Nguyen Stanton.

City Staff in Attendance: Annette Bogusch, Staff Liaison; Lynn Carter, Commission Executive Liaison & Assistant City Attorney; Marcus DePena, CTM Staff

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

No one registered to speak during Citizen Communication.

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 complaint filed by Zenobia C. Joseph against Caleb Pritchard, which complaint alleges violations of City Code of Chapter 2-7 (Ethics and Financial Disclosure) Section 2-7-62 (Standards of Conduct), subsections (K) and (O).

The Commission went into Executive Session at 6:18 p.m. and the open meeting resumed at 6:57 p.m. Outside counsel, James Cousar, advised the Commission.

2. PRELIMINARY HEARING

Discussion and possible action regarding the following:

A complaint filed by Zenobia C. Joseph against Caleb Pritchard, which complaint alleges violations of City Code of Chapter 2-7 (Ethics and Financial Disclosure) Section 2-7-62 (Standards of Conduct), subsections (K) and (O).

Outside counsel, James Cousar advised the Commission on the Executive Session and Preliminary Hearing item.

Parties Attending: Complainant Zenobia Joseph appeared by remote connection. Respondent was not present.

Complainant made a presentation during preliminary hearing and the Commission asked questions.

At the conclusion of the preliminary hearing, Vice-Chair Kahle made a motion to dismiss both allegations in the complaint because there were not reasonable grounds to believe a violation within the Commission’s jurisdiction had occurred. The motion was seconded by Commissioner Lovins, and the motion passed on a vote of 6-1-1. Voting in favor of the motion: Vice-Chair Kahle and Commissioners Danburg, Greenberg, Lovins, McCormick, and Teneyuca; Commissioner Williams voted against the motion; Commissioner Lari abstained. Chair Soberon, Secretary Lerner, and Commissioner Stanton were absent.

3. NEW BUSINESS

Discussion and possible action regarding the following:

Candidate Forum -- District 4 City Council Candidates: tentatively scheduled at City Hall on Thursday, January 6, 2022 at 6:00 p.m. (January 25, 2022 is election day; first day of early voting is January 10, 2022.)

Carol Eckelkamp, Austin Area League of Women Voters spoke on the item.

Commissioner Greenberg made a motion that the Commission supports the City holding a candidate forum for the District 4 special election and recommends that for the location of the forum, the City consider transit access and video equipment for live broadcasting and that the Asian American Center may be a good choice. Before a commissioner offered to second the motion, Vice-Chair Kahle moved to amend the motion to have the location be within District 4 or as close as possible to District 4. Commissioner Greenberg agreed and to revise her motion to include Vice-Chair Kahle’s suggestion. Commissioner Greenberg’s revised motion follows: that the Commission supports the City holding a candidate forum for the District 4 special election and recommends that for the location of the forum, the City consider transit access and video equipment for live broadcasting and that the location be within District 4 or as close as possible to District 4, and that the Asian American Center may be a good choice. The revised motion was seconded by Commissioner McCormick. The revised motion passed unanimously by the members present (8-0). Voting in favor: Vice-Chair Kahle and Commissioners Danburg, Greenberg, Lari, Lovins, McCormick, Teneyuca, and Williams. Chair Soberon, Secretary Lerner, and Commissioner Stanton were absent.

4. OLD BUSINESS

Discussion and possible action regarding the following:

- a. Review and evaluation of the dollar limits established in Chapter 2-2 (Campaign Finance) and consider making recommendations to the city council as to those limits.
- b. Statement and/or Video of What the Commission Does & How the Public can use the Commission and Statement on Equity, Access, and the Need for Reform by the Working Group on Race, Identity, and Equity
- c. Content of the agenda for future meetings, including description of Commission's jurisdiction and/or functions.
- d. Working group status reports and/or recommendations on the following.
 - i. Working Group on Sanctions, Procedures, and other Issues (Chair Soberon and Commissioners Greenberg, Stanton, and Teneyuca) 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.
 - Dollar Limits in Chapter 2-2 (Campaign Finance Code)
 - Campaign Finance Brochure
 - 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.

No action was taken on agenda item 4(a).

The working group provided a status update on agenda item 4(b). No action was taken.

No action was taken on agenda item 4(c).

The race, identity, and equity working group provided a status update on agenda item 4(d). No action was taken.

5. APPROVAL OF MINUTES: OCTOBER 27, 2021 SPECIAL CALLED MEETING AND NOVEMBER 10, 2021 REGULAR COMMISSION MEETING

Discussion and possible action regarding the minutes for:

- (a) the October 27, 2021 special called meeting
- (b) the November 10, 2021 regular commission meeting.

Item 5(a): the October 27, 2021 meeting minutes were postponed until the next regular meeting of the Commission.

Item 5(b): Commissioner Danburg made a motion to approve the November 10, 2021 Regular Commission Meeting Minutes. The motion was seconded by Commissioner Greenberg. The motion passed on a vote of 7-1. Voting in favor: Vice-Chair Kahle and Commissioners Danburg, Greenberg, Lovins, McCormick, Lari, and Williams; Commissioner Teneyuca abstained. Chair Soberon, Secretary Lerner, and Commissioner Stanton were absent.

6. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

No future agenda items were identified; no action was taken.

ADJOURNMENT

The meeting adjourned at 8:37 p.m.