



ETHICS REVIEW COMMISSION

MEETING MINUTES Wednesday, April 14, 2021

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, April 14, 2021, Austin, Texas via Videoconference.

Chair Luis Soberon called the meeting to order at 6:05 p.m.

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

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney and, Loren Doyen, Paralegal, Law Department.

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 speakers registered for 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).

- a. 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 (Political Committees) and 2-2-26 (Filing Campaign Finance Report Data) of Chapter 2-2 (Campaign Finance).

The Commission went into executive session at 6:08 p.m. and the open meeting resumed at 6:59 p.m. Outside counsel, Steve Sheets, advised the Commission in Executive Session.

2. 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 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).

Outside Counsel Steve Sheets, appeared for the Commission in regard to this complaint; Executive Liaison and Assistant City Attorney Lynn Carter assisted with procedural questions.

Chair Soberon advised the Commission that he granted Respondent's request for continuance of the final hearing and advised that Respondent had not yet produced any of the evidence requested by the Commission.

After further discussion, Commissioner Greenberg made a motion to set a deadline for Respondent Save Austin Now to produce by May 3, 2021 the evidence requested by the Commission. Commissioner McCormick seconded the motion, and the motion passed on a vote of 7-1 of the members present. Voting in favor: Vice-Chair Ohueri and Commissioners Danburg, Greenberg, Kahle, Lerner, McCormick, and Villalobos. Voting against: Chair Soberon. Secretary Gober and Commissioner Lari were absent. There is a vacancy for the District 2 Commissioner.

Commissioner Villalobos was excused from the meeting due to an urgent matter.

Commissioner Greenberg made a motion to set the final hearing for May 12, 2021, which was seconded by Commissioner McCormick. The motion passed on the unanimous vote of the seven members present. Voting in favor: Chair Soberon, Vice-Chair Ohueri, and Commissioners Danburg, Greenberg, Kahle, Lerner, and McCormick. Secretary Gober and Commissioners Lari and Villalobos were absent. There is a vacancy for the District 2 Commissioner.

3. NEW BUSINESS

Discussion and possible action regarding the following:

- a. Annual Election of Commission Officers
- b. Draft Op-Ed by the Working Group on Race, Identity, and Equity

In regard to item 3(a), Commissioner Kahle made a motion to elect Chair Soberon to another term as chair. Commissioner McCormick seconded the motion and asked that the vice-chair and secretary continue in their positions. (Secretary Gober could not be re-elected due to this being his last meeting.) Commissioner Lerner nominated Vice-Chair Ohueri and Chair Soberon seconded the nomination. Chair Soberon and Vice-Chair Ohueri accepted their nominations. There being no further nominations, the Commission voted in favor of the nominations of Chair Soberon as chair and Vice-Chair Ohueri as vice chair. The motion passed on a unanimous vote of the seven members present. Voting in favor: Chair Soberon, Vice-Chair Ohueri, and Commissioners Danburg, Greenberg, Kahle, Lerner, and McCormick. Former secretary/Commissioner Gober and Commissioners Lari and Villalobos were absent. There is a vacancy for the District 2 Commissioner.

The Chair acknowledged and honored former secretary Gober's service on the Commission and in the role of secretary.

Commissioner Kahle provided an update on item 3(b). No action was taken.

4. OLD BUSINESS

a. Discussion and possible action regarding the following:

i. 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).

ii. Working group two (Chair Soberon and Secretary Gober) 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.

iii. Working Group on Race, Identity, and Equity (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.

One or more working groups provided updates to the Commission. Commissioner Lerner made a motion to combine working groups "i" and "ii", which was seconded by Commissioner Greenberg. The motion passed on the unanimous vote of the seven members present for this item. Voting in favor: Chair Soberon, Vice-Chair Ohueri, Secretary Lerner, and Commissioners Danburg, Greenberg, Kahle, and McCormick. Former secretary/Commissioner Gober and Commissioners Lari and Villalobos were absent. There is a vacancy for the District 2 Commissioner.

Chair Soberon advised the members of his recent letter to City Council in regard to the work of the Commission and asked that the letter be shared with all commissioners.

5. APPROVAL OF MINUTES: JANUARY 13, 2021, FEBRUARY 10, 2021 and March 10, 2021 REGULAR COMMISSION MEETINGS.

- a. Discussion and possible action regarding the minutes for the January 13, 2021 regular commission meeting.
- b. Discussion and possible action regarding the minutes for the February 10, 2021 regular commission meeting.
- c. Discussion and possible action regarding the minutes for the February 10, 2021 regular commission meeting.

Commissioner McCormick made a motion to adopt the minutes for the January 13, 2021, February 10, 2021, and March 10, 2021 meetings, which was seconded by Commissioner Danburg. The motion passed on the unanimous vote of the seven members present. Voting in favor: Chair Soberon, Vice-Chair Ohueri, Secretary Lerner, and Commissioners Danburg, Greenberg, Kahle, and McCormick. Former secretary/Commissioner Gober and Commissioners Lari and Villalobos were absent. There is a vacancy for the District 2 Commissioner.

6. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

Future agenda items were discussed.

ADJOURNMENT

The meeting adjourned at 7:58 p.m.