



ETHICS REVIEW COMMISSION

MEETING MINUTES Wednesday, July 14, 2021

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

Chair Luis Soberon called the meeting to order at 6:08 p.m.

Commissioners in attendance: Chair Luis Soberon, Vice-Chair J. Michael Ohueri, and Commissioners Debra Danburg, Betsy Greenberg, Mary Kahle, Michael Lovins, Donna Beth McCormick, Nguyen Stanton, and Mikki Teneyuca were present at roll call. Secretary Robin Lerner joined the meeting during executive session.

Members absent: Commissioner Raafia Lari.

City Staff in Attendance: Lynn Carter, Commission Executive Liaison & Assistant City Attorney and Meredith Mooney, Executive Assistant, 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 public speakers registered to speak.

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 Joseph Cascino against Otto Swingler, which complaint alleges violations of City Code Chapter 2-2 (Campaign Finance) Sections 2-2-32, 2-2-32(B) and 2-2-33.

The Commission went into executive session at 6:12 p.m. and the open meeting resumed at 7:03 p.m.

2. FINAL 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), Section 2-2-32 (Reporting of Direct Campaign Expenditures), Section 2-2-32(B), and Section 2-2-33 (Disclosure Statement Required).

Parties Attending: Complainant Joseph Cascino and Respondent Otto Swingler.

The parties had an opportunity to present evidence and argument during the final hearing, and the Commission asked questions to the parties.

At the conclusion of the final hearing, Commissioner Kahle made a motion to dismiss the complaint against Respondent Swingler because there was no violation of the sections of the Code alleged to have been violated. The motion was seconded by Commissioner Danburg. The motion passed on the unanimous vote of the ten members present. Voting in favor: Chair Soberon, Vice-Chair Ohueri, Secretary Lerner, and Commissioners: Danburg, Greenberg, Kahle, Lovins, McCormick, Stanton, and Teneyuca. Commissioner Lari was absent.

Chair Soberon announced that the complaint against Respondent Swingler was, therefore, dismissed.

3. 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

Item 3(a) was discussed; no action was taken. Discussion of item 3(b) was postponed so that Commissioner Lari could be present for discussion.

Item 6 was taken up out of order and then taken up again before adjournment

6. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

The Chair announced Vice-Chair Ohueri's resignation from the Commission effective July 15, 2021. Vice-Chair Ohueri was recognized and honored for his years of service to the Commission. Chair Soberon, Secretary Lerner, Vice-Chair Ohueri, and other commissioners spoke.

The future agenda item of electing a new vice chair was also briefly discussed. The Commission returned to discussion of Agenda Item 6 before adjournment.

4. 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.

Commissioner Teneyuca was added as a member of the Working Group on Sanctions, Procedures, and other Issues and will replace Vice-Chair Ohueri as a working group member. No further action was taken on the preceding items. During deliberation of item 5 of the agenda, there was further discussion of the subject matters being addressed by the Working Group on Sanctions, Procedures, and other Issues.

**5. APPROVAL OF MINUTES: APRIL 14, 2021, MAY 12, 2021, and June 9, 2021
REGULAR COMMISSION MEETINGS.**

Discussion and possible action regarding the minutes for:

- a. the April 14, 2021 regular commission meeting;
- b. the May 12, 2021 regular commission meeting; and
- c. the June 9, 2021 regular commission meeting.

Commissioner McCormick made a motion to approve the May 12 and June 9, 2021 meeting minutes, which was seconded by Secretary Lerner.

Commissioner Stanton asked that the May meeting minutes be amended to add the first name of each commissioner at first mention in the minutes; to add the name of the respondent in the description of which parties appeared for a preliminary hearing item 2; and to add "training" after "boards and commissions" or otherwise clarify the

following: “Commissioners not in attendance due to the necessity of completing boards and commissions training: Michael Lovins and Mikki Teneyuca.”

Chair Soberon then made a motion to amend the motion to approve the May and June minutes to amend the May meeting minutes to identify the first and last names of all named commissioners and parties at first mention in the minutes and to make any further technical adjustments necessary. The motion to amend was seconded by Commissioner Teneyuca. The motion to amend passed on the unanimous vote of the ten members present. Voting in favor: Chair Soberon, Vice-Chair Ohueri, Secretary Lerner, and Commissioners: Danburg, Greenberg, Kahle, Lovins, McCormick, Stanton, and Teneyuca. Commissioner Lari was absent.

Then the Commission voted on Commissioner McCormick’s original motion as amended, to approve the May and June minutes and to amend the May meeting minutes to identify the first and last names of all named commissioners and parties at first mention and to make any further technical adjustments necessary. The motion as amended passed on the unanimous vote of the ten members present. Voting in favor: Chair Soberon, Vice-Chair Ohueri, Secretary Lerner, and Commissioners: Danburg, Greenberg, Kahle, Lovins, McCormick, Stanton, and Teneyuca. Commissioner Lari was absent.

No action was taken on item 5(a), because the April 14, 2021 minutes were not ready.

6. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

Future agenda items were discussed, including the need to elect a new vice-chair and the potential for cancelling the August meeting of the Commission. The Commission discussed the potential for holding a reception at the home of a commissioner at which no business of the Commission would be discussed.

ADJOURNMENT

The meeting adjourned at 9:22 p.m.