



ETHICS REVIEW COMMISSION

MEETING MINUTES Wednesday, March 23, 2022

The Ethics Review Commission (“Commission”) convened in a regular meeting on Wednesday, March 23, 2022, Austin, Texas.

Vice-Chair Mary Kahle called the meeting to order at 6:13 p.m.

Location: City Hall, Room 1101, 301 W 2nd Street, Austin, Texas and via Videoconference.

Commissioners in Attendance: Chair Luis Soberon, Vice-Chair Mary Kahle, and Commissioners: Betsy Greenberg, Raafia Lari, Michael Lovins, Donna Beth McCormick, Nguyen Stanton, and Sidney Williams were present at City Hall. Commissioners Debra Danburg and Mikki Teneyuca attended via videoconference.

Members Absent: Secretary Robin Lerner.

City Staff in Attendance: Lizette Benitez, Staff Liaison; Meredith Mooney, Executive Assistance; Lynn Carter, Commission Executive Liaison & Assistant City Attorney; Myrna Rios, City Clerk, attended via videoconference.

PUBLIC COMMUNICATION: GENERAL (formerly 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

Diane Land signed an oath form and spoke on Item 2 on the 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 complaint filed by Loree Misch against Steve Adler, Mayor, which complaint alleges violations of City Code of Chapter 2-7 (Ethics and Financial Disclosure) Section 2-7-75 (Sworn Financial Disclosure Statements).

The Commission went into Executive Session at 6:22 p.m. and the open meeting resumed at 7:32 p.m. Outside counsel, Steve Sheets, advised the Commission.

2. PRELIMINARY HEARING

Discussion and possible action regarding the following:

A complaint filed by Loree Misch against Steve Adler, Mayor, which complaint alleges violations of City Code of Chapter 2-7 (Ethics and Financial Disclosure) Section 2-7-75 (Sworn Financial Disclosure Statements).

Outside counsel, Steve Sheets, advised the Commission during the preliminary hearing.

Parties Attending: Complainant Loree Misch appeared by remote connection. Respondent Steve Adler and Respondent's attorney, Andrew Cates, appeared in person.

Complainant Misch and Respondent's attorney, Cates, made presentations during preliminary hearing and the Commission asked questions of the parties.

At the conclusion of the preliminary hearing, Commissioner Lovins made a motion to dismiss 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 McCormick, and the motion passed on a vote of 8-1-1. Voting in favor of the motion: Chair Soberon, Vice-Chair Kahle and Commissioners Danburg, Greenberg, Lovins, McCormick, Williams and Teneyuca; Commissioner Stanton voted against the motion; Commissioner Lari abstained. Secretary Lerner was absent.

Recess: At approximately 8:50 p.m., the Commission took a brief recess. The meeting resumed at 9:00 p.m., and Commissioner Danburg was excused from the remainder of the meeting.

3. NEW BUSINESS

Discussion and possible action regarding the following:

- a. Candidate and Officeholder Campaign Finance Brochure
- b. Process and Possible Recommendations for FY2022-23 City Budget.

Item 3(a): City Clerk, Myrna Rios was present to answer questions.

Chair Soberon moved to adopt the Candidate and Officeholder Campaign Finance Brochure with the addition on page one of a sentence that directs readers to a hyperlink where the public can find City Code and Charter provisions; and then to reintroduce the date of the relevant Consumer Price Index publication on page four. The motion was seconded by Vice-Chair Kahle, and the motion passed unanimously by a vote of all members in attendance (Chair Soberon, Vice-Chair Kahle, and Commissioners: Greenberg, Lari, Lovins, McCormick, Stanton, Teneyuca, and Williams. Secretary Lerner was absent).

Item 3(b): was discussed; no action was taken.

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.

Item 4(a): No action taken on this agenda item.

Item 4(b): No action was taken on this agenda item.

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

Item 4(d): No action was taken on this agenda item.

Commissioner Lovins was excused from the remainder of the meeting.

At approximately, 9:56 p.m., Chair Soberon made a motion to extend the meeting past 10:00 p.m., which was seconded by Vice-Chair Kahle. The motion passed on a unanimous vote of the members in attendance. Voting in favor: Chair Soberon, Vice-Chair Kahle, and Commissioners: Greenberg, Lari, McCormick, Stanton, Teneyuca, and Williams. Secretary Lerner was absent).

5. APPROVAL OF MINUTES: OCTOBER 27, 2021 SPECIAL CALLED MEETING AND DECEMBER 8, 2021 REGULAR COMMISSION MEETING

Discussion and possible action regarding the minutes for:

- a. the October 27, 2021 special called meeting
- b. the December 8, 2021 regular commission meeting.

Item 5(a): Commissioner McCormick made a motion to approve the meeting minutes for both dates listed above. Vice-Chair Kahle seconded Commissioner McCormick’s motion. Commissioner Stanton offered a substitute motion to divide the question. Vice-Chair Kahle seconded the substitute motion. The substitute motion passed unanimously by vote of all members in attendance (Chair Soberon, Vice-Chair Kahle, and Commissioners: Greenberg, Lari, McCormick, Stanton, Teneyuca, and Williams. Secretary Lerner was absent). The Commission then voted (7-0-1) to approve the October minutes; voting in favor: Chair Soberon, Vice-Chair Kahle, and Commissioners: Greenberg, McCormick, Stanton, Teneyuca and Williams. Commissioner Lari abstained; Secretary Lerner was absent.

Item 5(b): Chair Soberon proceeded to a vote to approve item 5(b). The Commission then voted (7-0-1) to approve the December minutes; voting in favor: Chair Soberon, Vice-Chair Kahle, and Commissioners Greenberg, Lari, McCormick, Teneyuca, and Williams. Commissioner Stanton abstained; Secretary was absent.

6. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS

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

ADJOURNMENT

The meeting adjourned at 10:10 p.m.