



***ETHICS REVIEW COMMISSION
REGULAR CALLED MEETING MINUTES
SEPTEMBER 28, 2022***

The Ethics Review Commission convened in a Regular Called meeting on September 28, 2022, at Austin City Hall, Room 1101, 301 W 2nd Street in Austin, Texas and via Videoconference.

Chair Soberon called the Ethics Review Commission Meeting to order at 6:16 p.m.

Commissioners in Attendance: Chair Luis Soberon, Secretary Nguyen Stanton and Commissioners Betsy Greenberg, Michael Lovins, Donna Beth McCormick, and Sidney Williams were present at City Hall.

Commissioners in Attendance Remotely: Vice-Chair Mary Kahle and Commissioners Debra Danburg, and Mikki Teneyuca attended by videoconference.

Commissioners Absent: Commissioner Raafia Lari.

Vacancy: Mayor's nominee.

City Staff in Attendance: Lizette Benitez, Staff Liaison; Lynn Carter, City Attorney; Wajiha Rizvi, Commission Executive Liaison & Assistant City Attorney. Susan Kimmel-Lines and Suzanne Floyd with Austin Energy, attended the meeting by videoconference.

PUBLIC COMMUNICATION: GENERAL

No one registered to speak during Public Communication.

EXECUTIVE SESSION

1. 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 matter listed in this agenda. The Commission may go into Executive Session to discuss:

A complaint filed by Leslie M. Padilla against Katie Jarl Coyle, raising claimed violations of City Code Chapter 4-8 (Regulation of Lobbyists), Section 4-8-3 (Registration Requirements), and Subsection (C) of Section 2-1-21 (Eligibility Requirements and Removal).

The Commission moved forward with the Executive Session after taking up item 7: Approval of August Minutes. Vice-Chair Kahle recused from item 2 and did not participate in the Executive Session. Commissioner Teneyuca joined the meeting remotely, via WebEx. The Commission went into Executive Session at 6:55 p.m. Outside counsel, Eric Nichols and Ethan Glenn, advised the Commission. Ethan Glenn joined the meeting remotely via WebEx

PRELIMINARY HEARING

Consideration, discussion, and potential action regarding:

2. A complaint filed by Leslie M. Padilla against Katie Jarl Coyle, raising claimed violations of City Code Chapter 4-8 (Regulation of Lobbyists), Section 4-8-3 (Registration Requirements), and Section 4-8-14 (Criminal Penalty), and violation of Subsection (C) of Section 2-1-21 (Eligibility Requirements and Removal).

The Commission proceeded to the preliminary hearing after item 1: Executive Session, was taken up.

Parties Attending: Complainant, Leslie Padilla appeared by remote connection. Respondent, Katie Jarl Coyle and Respondent's Attorney, Andrew Cates, appeared in person. All parties signed an oath form and spoke on item 2.

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

Chair Soberon's motion to extend the meeting past 10:00 p.m. was approved by a vote of 8-0 of all members present. Commissioner Williams' seconded the motion. Voting in favor: Chair Soberon, Secretary Stanton, and Commissioners Danburg, Greenberg, Lovins, McCormick, Teneyuca, and Williams. Vice-Chair Kahle recused; Commissioner Lari was absent.

At the conclusion of the preliminary hearing, Commissioner Danburg's motion that the Commission find that there is a reasonable basis to believe a violation may have occurred and to refer the allegation to city attorney for prosecution failed on a 4-4-1-1 vote. Secretary Stanton seconded the motion. Voting in favor: Secretary Stanton, and Commissioners Greenberg, Teneyuca and Williams; Chair Soberon, and Commissioners Danburg, Lovins, and McCormick voted against the motion; Vice-Chair Kahle recused. Commissioner Lari was absent.

STAFF BRIEFINGS

3. Staff briefing regarding ways the public can access to the Austin Utilities Now newsletters in Spanish (en español).

The staff briefing commenced after item 5: Adoption of 2023 meeting calendar.

Susan Kimmel-Lines and Suzanne Floyd with Austin Energy, were present remotely via WebEx to brief the Commission and answer questions.

DISCUSSION AND ACTION ITEMS

4. Approval of a statement and/or video of what the Commission does & how the public can use the Commission and/or a Statement on Equity, Access, and the need for reform by the Working Group on Race, Identity and Equity.

After item 2: Preliminary Hearing, Chair Soberon announced that this item would be postponed for the next regular commission meeting.

5. Adopt a regular meeting calendar for 2023.

This item was the first item taken up on the agenda. Secretary Stanton's motion to adopt the 2023 regular meeting calendar passed on an 8-0 vote. Commissioner Lovins' seconded the motion. Voting in favor: Chair Soberon, Vice-Chair Kahle, Secretary Stanton and Commissioners Danburg, Greenberg, Lovins, McCormick and Williams. Commissioners Lari and Teneyuca were absent.

APPROVAL OF MINUTES

6. Approve the minutes of the Ethics Review Commission Regular Meeting on July 27, 2022.

The minutes from the meeting of July 27, 2022 were taken up after item 3: Staff Briefing. The minutes with amendments and suggestions were approved (8-0) on Commissioner Greenberg's motion. Chair Soberon seconded the motion. Voting in favor: Chair Soberon, Vice-Chair Kahle, Secretary Stanton and Commissioners Danburg, Greenberg, Lovins, McCormick and Williams. Commissioners Lari and Teneyuca were absent.

7. Approve the minutes of the Ethics Review Commission Regular Meeting on August 24, 2022.

The minutes from the meeting of August 24, 2022 were taken up after item 6: July 27, 2022 meeting minutes. The minutes with suggestions were approved (8-0) on Chair Soberon's motion. Commissioner Greenberg seconded the motion. Voting in favor: Chair Soberon, Vice-Chair Kahle, Secretary Stanton and Commissioners Danburg, Greenberg, Lovins, McCormick, and Williams. Commissioners Lari and Teneyuca were absent.

FUTURE AGENDA ITEMS

The Commission had no future items.

ADJOURNMENT

Chair Soberon adjourned the meeting at 10:00 p.m. without objection.

The preceding minutes were approved on an 8-0 vote at the October 26, 2022 Regular Commission meeting on Commissioner McCormick's motion and Commissioner Lovins' second. Commissioner Lari abstained; Commissioner Danburg was absent.