



City of San Antonio

Agenda Memorandum

File Number:
{{item.tracking_number}}

Agenda Item Number: {{item.number}}

Agenda Date: August 14, 2024

In Control: Ethics Review Board Meeting

DEPARTMENT: Office of the City Auditor

DEPARTMENT HEAD: Kevin Barthold

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Discussion and consideration regarding hearing evidence and witnesses.

SUMMARY:

In accordance with the rules of procedures adopted on July 23, 2024, the Ethics Review Board (Board) will discuss and consider acceptance of evidence and witness lists that were submitted by the complainant and/or respondent.

BACKGROUND INFORMATION:

On May 21, 2024, Mr. Martin Phipps filed an ethics complaint against Councilmember Marc Whyte. As required under Section 2-84(d), outside counsel has been appointed to serve as the Independent Compliance Auditor and Independent Counsel for the ERB on this matter.

On July 23, 2024, the Ethics Review Board granted a hearing as requested by Mr. Phipps and adopted rules and procedures for the hearing, which is scheduled for August 14, 2024.

ISSUE:

As part of the protocols adopted for the hearing, both parties were instructed to submit to the City Clerk's Office any sworn statements and documentary evidence they wished to be considered that has not been previously submitted. Additionally, they were to provide a list of any witnesses they wish to present, along with a brief description of the matters each witness is expected to testify about.

In accordance with the hearing protocols, the Board or a panel of the whole will review all submissions at the beginning of the hearing. The consideration of evidence and potential witnesses is at the sole discretion of the Board or panel.

FISCAL IMPACT:

No fiscal impact.

ALTERNATIVES:

The Ethics Review Board, or designated panel, will determine whether the evidence and/or witnesses are relevant to the complaint and should be considered during the hearing.

RECOMMENDATION:

No recommendation, as the matter is to be determined by the Ethics Review Board.