

**ETHICS REVIEW BOARD
MEETING MINUTES
WEDNESDAY, DECEMBER 7, 2022
Municipal Plaza “B” Room**

Ethics Members Present: Patrick Lang, George Hinojosa, Jr., Esther Gergen, Christy Woodward, Yvette Changuin Humble, Efrain Sosa, Jessica Oley, and Ron Van Kirk

Ethics Members Absent: Fred Campbell, Roxana Vargas, and Coda Rayo-Garza

Staff Present: Kevin Barthold, *City Auditor*; Debbie Racca-Sittre, *City Clerk*; Camila Kunau, *Assistant City Attorney*; Maria Perez, *Compliance Auditor*; Sidney Smith, *Assistant City Attorney I*; and Rosalinda Diaz, *Senior Management Analyst*

CALL TO ORDER

Chairman Patrick Lang called the meeting to order at 6:04 pm.

ROLL CALL

City Clerk Debbie Racca-Sittre called the roll noting that a quorum was present.

City Clerk Debbie Racca-Sittre administered the Oath of Office to Patrick Lang, Esther Gergen, Yvette Changuin Humble, Christy Woodward, and Ron Van Kirk.

1. Approval of the minutes of the Ethics Review Board Meeting of April 27, 2022.

Member Van Kirk moved to approve the minutes of the Ethics Review Board Meeting of April 27, 2022. Member Hinojosa seconded the motion. The motion carried unanimously by all present.

Public Comment.

No members of the public registered to speak.

2. Briefing on the Ethics Training Program.

City Auditor Kevin Barthold provided an overview of the Ethics training required by City Council, Board and Commission Members, and City Employees. He played the training video for the ERB members to view.

Barthold informed the ERB that the Chair would provide an educational packet to all candidates filing for office in the 2023 General Election. He noted that the process was requested by the ERB for the 2021 General Election. He described the type of information provided in the candidate packet.

Member Oley entered the meeting.

3. ERB Panel recommendations related to the City of San Antonio Ethics Code and Municipal Campaign Finance Code.

City of San Antonio Ethics Code

Chair Lang thanked the ERB members for their work on the panels and opened the floor for discussion beginning with the Ethics Code Panel’s amendment recommendations.

The ERB discussed and agreed to the following recommended amendments to the Ethics Code:

Section	Current	Amend
2-41 Statement of purpose	The Statement of Purpose establishes standards of conduct, disclosure requirements, and enforcement mechanisms relating to City officials and employees and others whose actions affect public faith in City government.	Amend to add clarifications that “others whose actions affect public faith in City government” includes actions by any individual acting on behalf of the City (e.g. volunteers, contract/temporary employees).
2-43 Conflicts of interest	To avoid the appearance and risk of impropriety, a city official or employee is restricted from taking official action that may affect the economic interest of certain individuals/entities.	To include a restriction that during the first 12 months of service an employee/official may not participate in the making or awarding of a contract to a person or entity that the employee/official was employed by during the prior year.
2-45 Gifts	City officials/employees may not accept gifts offered to influence/reward official conduct. Additionally, they may not accept gifts from individuals doing/seeking business with the city or seeking action from the city, including registered lobbyists with limited exceptions.	Amend to include information/definition regarding the restrictions related to honorariums that fall under the Texas Penal Code 36.07.
2-58 Prohibited interests in discretionary contracts	Former City employees/officers are prohibited from having a financial interest in discretionary contracts for one-year after termination of duties.	Amend to clarify that timeframe is related to the awarding of the contract versus seeking/submitted proposals.

2-59 Disclosure of parties, owners, and closely related persons	An individual or entity seeking action from City (contract, zoning change, etc.) must disclose the identity of certain individuals no later than 72 hours prior to City Council action.	Amend to clarify that disclosures should be made at the time the request is submitted, but no later than 72 hours prior to action.
2-82 Jurisdiction and powers	The Ethics Review Board has the discretion to accept or decline consideration of an alleged violation that has been resolved by the City Manager, or by a governmental agency or board with jurisdiction over the matter.	Amend to add “including but not limited to” the discretion the Board has in considering resolved violations. Update will read: The Ethics Review Board has the discretion to accept or decline consideration of an alleged violation that has been resolved, including but not limited to resolution by the City manager, a governmental agency, or a board with jurisdiction over the matter.
2-92 Other obligations	The Ethics Code supplements applicable to state and federal laws.	Amend to provide notice of the duty to comply with state and federal laws at the beginning of the Ethic Code instead of at the end of the Ethics Code.

The Panel recommended no changes to Sections 2-52 Prohibited interests in contracts, 2-56 Subsequent representation of private contracts, and 2-57 Prior participation in the negotiation, award, or administration of contracts. Administrative recommendations by the Panel were to revise pronouns throughout the Code to non-gender-specific; move definitions to the top of each corresponding sections; and update the title of City Council contract personnel to Employees of the Council Aides Corporation.

Member Gergen moved to accept the recommend updates to Sections 2-41, 2-43, 2-45, 2-58, 2-59, 2-82, 2-92, and administrative recommendations as discussed by the Board with no changes to Sections 2-52, 2-56, and 2-57. Member Van Kirk seconded the motion. Motion carried unanimously by all present.

Chair Lang noted that the Board recommended clarification to Section 2-43(a)(8) regarding recusal for boards in which an employee or official serve by virtue of office. Chair Lang tabled the change and requested staff to develop scenarios related to the potential change for discussion at the next Board meeting. No members objected to tabling the Item.

Municipal Campaign Finance Code

Chair Lang opened the floor for discussion regarding the Panel's recommended amendments to the Municipal Campaign Finance Code.

The following recommended amendments to the Municipal Campaign Finance Code were discussed and agreed upon:

Section	Current	Amend
2-307 Election filing of campaign finance reports	In addition to the State reporting requirements, the City requires candidates to file quarterly campaign finance reports.	Amend and revert to the State reporting requirements and remove additional City requirements added in the 2018 amendment process.
2-308 Political Action Committees	Campaign finance reporting required by all Political Action Committees.	Amend to require SPACs to file campaign finance reports with the Office of the City Clerk and provide an option for GPACs to provide general notice in writing to the Office of the City Clerk versus a full campaign finance report.

The Board also reviewed and discussed possible amendments for Section 2-309. Chair Lang suggested that action on Section 2-309 be tabled to the next meeting and requested that staff determine the history of why certain non-profit board officers and executive committee members were exempt from the contribution prohibition on high-profile contracts and to create alternative language for amendment. No members objected to tabling the Item.

Member Hinojosa moved to approve the amendments to the Municipal Campaign Finance Code, Sections 2-307 and 2-308 as discussed by the Board with no changes to Section 2-302, and administrative amendments. Member Van Kirk seconded the motion. Motion carried unanimously by all present.

ADJOURNMENT

There being no executive session or further discussion, Chair Lang adjourned the meeting at 7:58 pm.

Patrick Lang, Chair

Respectfully Submitted,

Debbie Racca-Sittre, City Clerk

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