

**ETHICS REVIEW BOARD
MEETING MINUTES
MONDAY, JANUARY 30, 2023
Municipal Plaza “B” Room**

Ethics Members Present: Patrick Lang, Fred Campbell, George Hinojosa, Jr., Christy Woodward, Yvette Changuin Humble, Coda Rayo-Garza, Efrain Sosa, Ron Van Kirk, and Roxana Vargas

Ethics Members Absent: Esther Gergen and Jessica Oley

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

CALL TO ORDER

Chairman Patrick Lang called the meeting to order at 6:01 pm.

ROLL CALL

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

Chair Lang welcomed new member Fred Campbell.

1. Approval of the minutes of the Ethics Review Board Meeting of December 7, 2022.

Member Van Kirk moved to approve the minutes of the Ethics Review Board Meeting of December 7, 2022. Member Woodward seconded the motion. The motion carried unanimously by all present.

Public Comment.

No members of the public registered to speak.

2. Recommendations to the Ethics and Municipal Campaign Finance Codes.

City of San Antonio Ethics Code

City Auditor Kevin Barthold provided an overview of the Ethics Code recommendation EC-2 which included information on peer cities related to employees and officials holding a place on outside boards.

Chair Lang opened the floor for discussion regarding the recommended amendments to the Ethics Code. The following recommended amendments to the Ethics Code were discussed and agreed upon:

Section	Current	Amend
2-43(a)(8) 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	Recusals apply to any board(s) including those which an employee or official serves by virtue of office.	An official or employee does not have a conflict in matters where they hold a position as a member of the board of directors or other governing board of a business entity if they meet all of the following conditions: <ul style="list-style-type: none"> a. The person, as a duty of office or job assignment, serves on such board as a representative of the City; b. The person receives no remuneration, either directly or indirectly, for his or her service on such board; and c. The primary nature of the business entity is either charitable, nonprofit or governmental.

Member Vargas moved to approve the recommendations to 2-43(a)(8) listed above. Member Woodward seconded the motion. Motion carried unanimously by those present.

Municipal Campaign Finance Code

Chair Lang opened the floor for discussion regarding the 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
2-309 Prohibiting business PACs from contributing to candidates and office holders during high profile contract prohibition periods	Businesses seeking high profile contacts are prohibited from giving to candidates during certain prohibited periods. However PACs directly associated with these businesses are allowed to contribute.	Add language to specifically include PACs related to the business entity versus industry PACs.
2-309 Board Officers and Executive Committee members of for-profit companies are prohibited from contributing	Board Officers and Executive Committee members of for-profit companies are prohibited from contributing to candidates during certain prohibited periods for high profile contracts. "Regular" board members are allowed to contribute.	Remove officers and include all for-profit board members.

2-309 Prohibited period for campaign contributions results	If the prohibited period for campaign contributions for high profile contracts is violated, the contributor is disqualified from the procurement and the contribution must be returned.	No change.
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Member Hinojosa moved to approve the recommendations to 2-309 listed above. Member Woodward seconded the motion. Motion carried unanimously by those present.

The Board also reviewed and discussed possible amendments for Section 2-309(a)(2) specifically related to contributions by board members of non-profits. Staff provided a brief history on this section of the code and also advised that an Attorney General Opinion was identified related to non-profits that stated “An uncompensated director of a nonprofit corporation does not have a ‘substantial interest’ in the nonprofit...”

After the Board discussed the various positions related to the issue, Member Hinojosa moved to strike the exception of non-profit boards from Section 2-309(a)(2). Member Van Kirk seconded the motion. Motion carried unanimously by all present.

Barthold explained next steps which included the City Attorney’s Office changing the language in the City Code, and a final review by the Ethics Review Board, before the changes would be considered by City Council.

ADJOURNMENT

There being no executive session or further discussion, Chair Lang adjourned the meeting at 7:11 pm.

Patrick Lang, Chair

Respectfully Submitted,

Debbie Racca-Sittre, City Clerk