



City of San Marcos

Meeting Minutes

Ethics Review Commission

Tuesday, May 14, 2019

5:30 PM

City Hall Conference Room

I. Call To Order

With a quorum present, the regular meeting of the Ethics Review Commission was called to order by Chair Taylor at 5:31 p.m. on Tuesday, May 14, 2019 in the City Hall Conference Room, 630 E. Hopkins Street, San Marcos, Texas 78666.

II. Roll Call

Present: 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Absent: 1 - Commissioner Turri

III. 30 Minute Citizen Comment Period

There were no speakers.

1. Election of Chair.

Commissioner Baker nominated current Chair, Arthur Taylor. Commissioner Garcia nominated himself. There were no other nominations. A roll call vote was taken, resulting in Chair Taylor being re-elected by the following vote:

For Taylor: 3 - Chair Taylor, Commissioner Baker, and Commissioner Lollar

For Garcia: 2 - Commissioner Garcia and Commissioner Rice

Absent: 1 - Commissioner Turri

Abstain: 1 - Commissioner Walden

2. Consider approval, by motion, of the March 26, 2019 special meeting minutes.

A motion was made by Commissioner Rice, seconded by Commissioner Baker to approve the minutes. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

3. Consider a Resolution to send to City Council recommending an amendment to the Ethics Ordinance, to require City employees to attend and produce documents at hearings of the ERC when requested by the Commission to do so.

A motion was made by Commissioner Garcia, seconded by Commissioner Rice, to submit ERC's draft Resolution 2019-1 (see attachment) to Council for approval. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

4. Discuss and take action, as appropriate, on changing and approving the Ethics Review Commission Rules of Procedure.

A motion was made by Commissioner Rice, seconded by Commissioner Garcia, to change ERC's meeting date from second Tuesday to second Wednesday or second Monday of ERC's meeting months: February, May, August, October, November, December, and when special meetings are called. The date change is contingent on Commissioner Turri's availability. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

5. Review and discuss 2018 Annual Financial Disclosure Forms for Council, Council Appointees, and Planning & Zoning Commissioners.

Council Appointees:

A motion was made by Commissioner Rice, seconded by Commissioner Walden, to accept the AFD Form of City Clerk Case. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Baker, seconded by Commissioner Lollar, to accept the AFD Form of City Attorney Cosentino. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Rice, seconded by Commissioner Baker, to accept the AFD Form of Municipal Court Judge Landry. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Rice, seconded by Commissioner Lollar, to request City Manager Lumbreras to submit an amended 2018 AFD Form to clarify his salary amount on item #1 and clarify the fair market value on item #5. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

Council:

A motion was made by Commissioner Garcia, seconded by Commissioner Walden, to request Council Member Derrick to submit an amended 2018 AFD Form to clarify value of ownership interest on item #4 and clarify her residence on item #5. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Rice, seconded by Commissioner Garcia, to request Council Member Gonzales to submit an amended 2018 AFD Form to disclose the full address or legal description and fair market values on item #5, and to clarify whether a duplication was reported on his real properties. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Garcia, seconded by Commissioner Rice, to request Mayor Hughson to submit an amended 2018 AFD Form to clarify the fair market value on item #5. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia,
Commissioner Lollar, Commissioner Rice, and Commissioner
Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Garcia, seconded by Commissioner Lollar, to request Council Member Marquez to submit an amended 2018 AFD Form to disclose full addresses on items #1 and #6. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia,
Commissioner Lollar, Commissioner Rice, and Commissioner
Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Garcia, seconded by Commissioner Walden, to request Council Member Mihalkanin to submit an amended 2018 AFD Form to clarify the fair market value on item #5. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia,
Commissioner Lollar, Commissioner Rice, and Commissioner
Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Walden, seconded by Commissioner Garcia, to request Council Member Prewitt to submit an amended 2018 AFD Form to disclose full addresses on items #1 and #4, and clarify the fair market value on item #5. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia,
Commissioner Lollar, Commissioner Rice, and Commissioner
Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Lollar, seconded by Commissioner Garcia, to request Council Member Rockeymoore to submit an amended 2018 AFD Form to disclose the full address and clarify whose income is reported on item #1, clarify his residence on item #5, and the amount of debt and the amount of repayment on item #6. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia,
Commissioner Lollar, Commissioner Rice, and Commissioner
Walden

Against: 0 -

Absent: 1 - Commissioner Turri

Planning & Zoning Commission:

A motion was made by Commissioner Garcia, seconded by Commissioner Rice,

to request Commissioner Baker to submit an amended 2018 AFD Form to clarify his residence on item #5. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Garcia, seconded by Commissioner Lollar, to request Commissioner Dillon to submit an amended 2018 AFD Form to disclose full addresses on items #1, #3, and #5 and to clarify whether his business entity should be reported on item #4. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Garcia, seconded by Commissioner Walden, to request Commissioner Garber to submit an amended 2018 AFD Form to disclose full addresses and the amount of income on item #1. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Garcia, seconded by Commissioner Rice, to accept the AFD Form for Commissioner Gleason. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Rice, seconded by Commissioner Garcia, to request Commissioner Haverland to submit an amended 2018 AFD Form to disclose full addresses on item #1, clarify the fair market value on item #5, and clarify the amount of debt on item #6. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Garcia, seconded by Commissioner Lollar, to request Commissioner McCarty to submit an amended 2018 AFD Form to clarify

the fair market value on item #5 and clarify the amount of debt and disclose the full address on item #6. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Lollar, seconded by Commissioner Rice, to request Commissioner Moore to submit an amended 2018 AFD Form to disclose full addresses on items #1 and #3, clarify the fair market value on item #5, and clarify the amount of debt on item #6. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Lollar, seconded by Commissioner Rice, to request Commissioner Rand to submit an amended 2018 AFD Form to clarify the amount of income on item #1, the amount of transaction on item #2, and the value of ownership interest on item #4. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

NOTE: The 2018 AFD Form for Commissioner Kelsey was not provided in time but is forthcoming.

6. Review and strengthen Sections 2.422, 2.423, and 2.424, and additional sections under Code of Ethics including but not limited to lobbying.

A motion was made by Commissioner Garcia, seconded by Commissioner Baker, to create a subcommittee comprised of Commissioner Garcia, Commissioner Lollar, and Commissioner Walden to work on a lobbying ordinance. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

A motion was made by Commissioner Rice, seconded by Chair Taylor, to postpone this item until ERC's next meeting. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

7. Discuss and take action, including, but not limited to, making recommendations to the City Council and/or City Manager regarding training for city council members, board and commission members, and city staff about the City of San Marcos Ethics Ordinance and State of Texas ethics laws.

A motion was made by Commissioner Garcia, seconded by Commissioner Walden, to have a Resolution be crafted to send to City Council recommending a requirement for yearly ethics training for appointed and elected officials and board and commission members. The motion carried by the following vote:

For : 6 - Chair Taylor, Commissioner Baker, Commissioner Garcia, Commissioner Lollar, Commissioner Rice, and Commissioner Walden

Against: 0 -

Absent: 1 - Commissioner Turri

IV. Discussion and Recommendations for Future Agenda Items.

Limit the number of items on future agendas to allow ample time for each item.

Review and strengthen Sections 2.422, 2.423, 2.424, and additional sections under Code of Ethics including but not limited to lobbying.

Discuss and take action, if needed, on the lobbying subcommittee report.

Discuss and take action, if needed, on amending Sec. 2.463—Information required on financial disclosure statement.

V. Question and Answer Session with Press and Public.

Forrest Fulkerson inquired on the new bylaws for the Ethics Review Commission. He then expressed concern on the quality of the lobbying presentation provided to City Council and felt a better prepared presentation would help prevent misunderstandings. Mr. Fulkerson also proposed registrations for residential rental properties be addressed in the lobbying ordinance. He concluded by voicing his interest in volunteering to assist the newly created ERC lobbying subcommittee.

VI. Adjournment

The Regular Meeting of the Ethics Review Commission meeting was unanimously adjourned at 8:17 p.m.



Michael Cosentino, Staff Liaison



Arthur Taylor, Chair

ERC RESOLUTION NO. 2019-1

A RESOLUTION OF THE ETHICS REVIEW COMMISSION OF THE CITY OF SAN MARCOS, TEXAS RECOMMENDING AN AMENDMENT TO THE SAN MARCOS CODE OF ETHICS TO REQUIRE CITY EMPLOYEES TO APPEAR AND TESTIFY AS WITNESSES AND PRODUCE CITY RECORDS AT PUBLIC HEARINGS CONDUCTED BY THE COMMISSION ON PENDING ETHICS COMPLAINTS

RECITALS:

1. The Ethics Review Commission (the "Commission") is required by Section 2.443 of the San Marcos City Code to meet at least once per year to review the Code of Ethics and is authorized to make recommendations to the city council regarding amendments.

2. The Commission has determined that the Code of Ethics currently contains no provisions to require city employees to appear and testify or to produce city records at public hearings on pending ethics complaints when requested to do so by the Commission.

3. The Commission finds that relevant testimony of city employees and production of relevant city records at public hearings may, in many cases, be essential in order for the Commission to carry out its duty to resolve disputed fact issues, determine if violations occurred, and recommend appropriate sanctions.

BE IT RESOLVED BY THE ETHICS REVIEW COMMISSION OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. The Commission hereby recommends that the City Council discuss and consider amending the Code of Ethics to require city employees to appear and provide testimony and produce city records at public hearings on pending ethics complaints when requested to do so by the Ethics Review Commission.

PART 2. This resolution shall be in full force and effect from and after its passage.

ADOPTED on May 14, 2019.


Arthur Taylor
Chair

Attest:



Tina Moreno
Recording Secretary