



STATE OF TEXAS
COUNTY OF FORT BEND
STATE OF TEXAS

The Ethics and Compliance Board held a Meeting for the City of Richmond, Texas on March 21, 2019 at 6:00 p.m.

Chairman Jimmy Robertson thanked everyone for being present and then proceeded to call the meeting to order at 6:00 p.m. A quorum was present, with the following members in attendance:

Jimmy D. Robertson – Chairman
Dana C. Atkinson
Oralia Lopez
Sylvia L. Smith
Nina M. Schaefer – Alternate
Frank Garza – Davidson Troilo Ream & Garza, P.C.
Terri Vela – City Manager
Gary Smith – City Attorney

Agenda item A2. To conduct an Informal Hearing on the complaint filed on January 22, 2019 against Mayor Moore and consider resolving and settling the complaint or ordering a formal hearing. The consulting attorney, Mr. Frank Garza reminded the Board of what was covered at the Ethics Board meeting on February 21, 2019. The Board reviewed four complaints but it was determined they did not have jurisdiction over two of the complaints. Attorney Garza stated that as requested, the Board had received additional information from Commissioner Josh Lockhart in the form of a letter dated March 13, 2019. The letter is requesting the Board reconsider some of the items they are allowed to review.

The Board began its discussion of Section 2.91 Standards of Conduct for Officers and Employees. The Board felt they could not consider 2.91 (1) (a) without reviewing 2.91 (1). Those sections are as follows.

2.91 (1). Represent or appear on behalf of private interests of others before any agency of the city or any city board, commission or committee, or represent any private interest of others in any action or proceeding involving the city. This subsection shall not be construed:

2.91 (1) (a). To prohibit any city commission member from expressing concerns, questions, or comments to any city agency, board, commission, or committee which have been expressed to him by his constituents; or

There was a lengthy discussion regarding the allegations regarding Section 2.91 (1) (a).

*Section 2.91 (5) which Attorney Frank Garza stated was supposed to be 2.91 (6).
Disclose information that at the time of its disclosure is confidential information by law or
by city rules and/or policies;*

There was a lengthy discussion regarding Section 2.91 (6) with one of the questions being what is considered "confidential". Is it only items on the agenda or anything discussed in Executive Session? Statements made while walking in or out of the meeting are not considered confidential.

The Board questioned both the Mayor Evalyn Moore, Commissioner Lockhart and City Manager Terri Vela and all were sworn in under oath.

There were several questions that were asked of the individuals.

Attorney Garza explained the options the Board has as far as a formal hearing, dismiss with no violation or find a resolution.

Chairman Robertson called for a vote.

Nina Schaefer made the motion to dismiss the allegation on the basis that no violation occurred with Sylvia Smith seconding the motion.

Allegation 2.91 (a) the vote was as follows:

- Jimmy Robertson ~ Violation
- Dana Atkinson ~ Violation
- Oralia Lopez ~ No Violation
- Sylvia Smith ~ No Violation
- Nina Schaefer ~ No violation

Dana Atkinson made the motion to dismiss the allegation due to the lack of consensus that the statement of resignation was privileged information with the motion being seconded by Nina Schaefer.

Allegation 2.91 (6) the vote was as follows:

- Jimmy Robertson ~ No Violation
- Dana Atkinson ~ No Violation
- Oralia Lopez ~ No Violation
- Sylvia Smith ~ No Violation
- Nina Schaefer ~ No violation

Attorney Garza explained the V.T.C.A, Government Code Ch. 573 and what that means which was cited under Commissioner Lockhart's letter Section 2.92 Other Ethical Standards. The Board stated they need additional time to review this section of the letter and Chapter 573.

And it was reviewed that the Board does not have jurisdiction to rule upon Allegation Section 2.66 of the letter.

Agenda item A3, Discuss Ethics Ordinance and consider possible amendment recommendations to the City Commission. City Attorney Gary Smith handed out a redlined version of the Ethics Ordinance with the changes that he is recommending for the Board to review. There was a discussion and the agenda item was closed.

Agenda item A4, Set Future Meeting dates (s). The next meeting will be Thursday, April 18th at 6:00 p.m.

Agenda item A5, Discuss Future agenda items. The Board stated they would continue to review the Ethics Ordinance No. 2019-02.

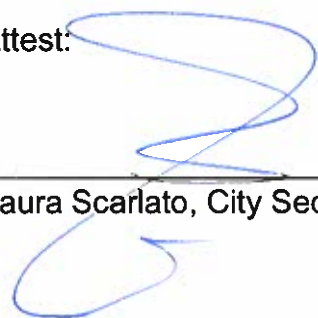
Agenda item A5, The motion to adjourn was made by Nina Schaefer and seconded by Oralia Lopez. The meeting was adjourned at 8:06 p.m.

APPROVED:



Jimmy D. Robertson, Chairman

Attest:



Laura Scarlato, City Secretary