



STATE OF TEXAS
COUNTY OF FORT BEND
STATE OF TEXAS

The Ethics and Compliance Board of the City of Richmond, Texas held a Meeting on June 6, 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 – Not present
Sylvia L. Smith
Nina M. Schaefer
Wolfram Von-Maszewski - Alternate
Frank Garza – Davidson Troilo Ream & Garza, P.C.
Terri Vela – City Manager
Gary Smith – City Attorney

Agenda item A2, Public Comments. There were no individuals signed up for comments therefore the agenda item was closed.

Agenda item A3, Review and consider taking action to approve the minutes of the meetings held on May 16, 2019. Chairman Jimmy Robertson presented the minutes for approval. Board member Sylvia Smith made the motion to approve the minutes for May 16, 2019. Board member Dana Atkinson seconded the motion and the vote was approved as follows:

Jimmy D. Robertson -Favor
Dana C. Atkinson - Favor
Sylvia L. Smith - Favor
Nina M. Schaefer – Abstain, not present at the 05.16.19 meeting
Wolfram Von-Maszewski - Favor

Agenda item A4, Conduct preliminary review of complaint filed by Josh Lockhart on May 3, 2019, against Mayor Evalyn Moore, Commissioner Barry Beard, Commissioner Carl Drozd, and Commissioner Terry Gaul including whether the Board has jurisdiction over the violations alleged and whether to schedule an informal hearing. There was a lengthy discussion regarding the complaint. Board Member Nina Schaefer questioned whether the complaint is an Ethics violation or a violation of the bylaws of the City and

Charter. Outside Counsel Frank Garza reviewed the complaint process and whether the Ethics Board has jurisdiction. What a valid sworn complaint contains and the processing of a complaint. There are two types of ethics hearings, formal and informal. The decision is final unless appealed to the City Commission. Attorney Garza stated the Commission may accept the Ethics Board decision or reject the decision and conduct its own evidentiary hearing. **Counselor Garza stated that the complaint as to a charter violation being within the boards jurisdiction, the answer is NO.** It is under the City Commission's jurisdiction. Counselor Garza stated the Mayor had already been censured as a result of these allegations therefore, the focus of the decision of the jurisdiction is on the Commissioners. A motion was made by Board Member Nina Schaefer that the Ethics Commission does not have jurisdiction over the areas of complaint that were filed in the complaint filed by Josh Lockhart on May 3, 2019 against Mayor Evalyn Moore, Commissioner Barry Beard, Commissioner Carl Drozd and Commissioner Terry Gaul. Board member Sylvia Smith seconded the motion and the vote was unanimous to approve. The result of this decision is the complaint is dismissed.

Agenda item A5, Conduct preliminary review of complaint #1 filed by Josh Lockhart on May 16, 2019, against Mayor Evalyn Moore including whether the Board has jurisdiction over the violations alleged and whether to schedule an informal hearing. Chairman Jimmy Robertson asked a point of procedure question. Counselor Garza stated this information is a supplemental filing in support of complaint #1 and no action is necessary. Board Member Dana Atkinson stated that he felt the complainant filed the information with the belief the information would be suppressed but it was not suppressed, it was provided in the briefing packet for the May 16, 2019 meeting. However, it was too late to place on the agenda since it was filed the day of the meeting. Copies were made and provided to the Board at the May 16th meeting for review. Josh Lockhart spoke from the floor to clarify the complaint. The Board thought it was duplicate information but Mr. Lockhart stated that it was not duplicate information and was new significant information related to the previous filing that needs to be brought out. It was noted this was Mr. Lockhart's 2nd submission.

- It was originally stated there was no action needed on this agenda item.
- Chairman Jimmy Robertson asked the appropriateness of reviewing previous testimony.
- Mr. Lockhart stated the 1st complaint filed was regarding Charter Violations and wasn't intended to reach the Ethics Board.
- Board Member Nina Schaefer made the motion the Ethics Board does have jurisdiction on **the 2nd complaint filed May 3, 2019 along with the supplemental filing on May 16, 2019.** Board Member Dana Atkinson seconding the motion and the vote was unanimous to approve.

- Board Member Sylvia Smith made the motion to call for an Informal Hearing to obtain additional information with Board Member Wolfram Von-Maszewski seconding the motion. The vote was unanimous to approve.

Agenda item A6, Conduct preliminary review of complaint #2 filed by Josh Lockhart on May 16, 2019, against Commissioner Barry Beard including whether the Board has jurisdiction over the violations alleged and whether to schedule an informal hearing. This is a new complaint filed against Commissioner Beard and is with regards to the property located at 603 Calhoun Street.

- Board Member Dana Atkinson made the motion that the Ethics Board does have jurisdiction on the complaint filed May 16, 2019 by Josh Lockhart. Board Member Sylvia Smith seconded the motion and the vote was as follows:

Jimmy D. Robertson -Favor
 Dana C. Atkinson - Favor
 Sylvia L. Smith - Favor
 Nina M. Schaefer - Abstain
 Wolfram Von-Maszewski – Favor

- Board Member Dana Atkinson made the motion to call for an Informal Hearing with Board Member Sylvia Smith seconding the motion. The vote was unanimous.

Agenda item A7, Conduct preliminary review of complaint filed by Tres Davis on May 16, 2019, against Commissioner Barry Beard including whether the Board has jurisdiction over the violations alleged and whether to schedule an informal hearing. Counselor Garza stated the evidence or facts are not provided therefore the complaint is insufficient by itself. However since there is another complaint filed regarding the same Commissioner they can be combined and ruled upon together. Board Member Sylvia Smith made the motion the Ethics Board does have jurisdiction over the complaint filed by Tres Davis on May 16, 2019 against Commissioner Barry Beard and it will be combined with the complaint filed by Josh Lockhart on May 16, 2019 against Commissioner Barry Beard as well as an Informal Hearing. Board Member Dana Atkinson seconded the motion, the vote was unanimous to approve.

Agenda item A8, Set Future Meeting date (s). The next Ethics and Compliance Board meeting was set for Thursday, July 11th at 6:00 p.m.

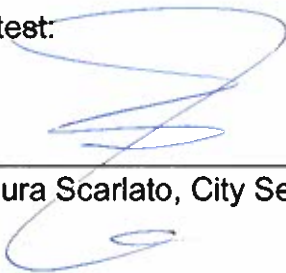
Agenda item A7, Discuss Future agenda items. Two additional filings were received today, June 6th per City Manager Terri Vela that will need to be reviewed. There will be two Informal Hearings per the motions made under agenda items A5 and A6. Also, it was requested by Chairman Jimmy Robertson to discuss revisions to the Ethics Codes of the Ordinance.

Agenda item A8, Adjournment. Board Member Dana Atkinson made the motion to adjourn and Board Member Nina Schaefer seconded the motion. The vote was unanimous and the meeting was adjourned at 7:21 p.m.

APPROVED:


Jimmy D. Robertson, Chairman

Attest:


Laura Scarlato, City Secretary