

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
AGENDA SUMMARY FORM**

**DEPARTMENT:** MAYOR AND COUNCIL

**AGENDA DATE:** October 29, 2019

**CONTACT PERSON NAME AND PHONE NUMBER:** REP ALEXSANDRA ANNELLO, 212-0002

**DISTRICT(S) AFFECTED:** All

**STRATEGIC GOAL:** (5) Promote Transparent and Consistent Communication Among All Members of the Community

**SUBJECT:**

**APPROVE** a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? **Be descriptive of what we want Council to approve. Include \$ amount if applicable.**

Discussion and action relating to the written decision of the City of El Paso Ethics Review Commission, evidenced by a letter dated October 18, 2019, to decline to exercise its discretionary authority to conduct a hearing on the complaints set for in the letter.

**BACKGROUND / DISCUSSION:**

**Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?**

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one?

**AMOUNT AND SOURCE OF FUNDING:**

**How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?**

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*



DAVIDSON  
TROILO  
REAM &  
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ATTORNEYS AT LAW

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October 18, 2019

**FIRST CLASS MAIL**  
**& EMAIL: sblaugrund@tx.rr.com**

Mr. Stuart Blaugrund  
Complainant  
6416 Camille  
Dallas, Texas 75252

**RE: Determination By El Paso Ethics Review Commission**

Dear Mr. Blaugrund:

In fulfillment of its duty to review, evaluate and issue determinations on ethics complaints you filed with the City of El Paso, the Ethics Review Commission ("Commission") has reviewed the complaints filed on June 11, 2019 and August 28, 2019 and on July 10, 2019 and August 28, 2019, against Mr. Dee Margo, Mayor of El Paso ("Respondent"). See El Paso City Code, Sec. 2.92.030(E) (6). After evaluating the factual allegations and evidence submitted by you and the Respondent, the Commission voted unanimously to dismiss both complaints, as reflected in the action of the Commission's open meeting held on October 17, 2019. The actions taken by the Commission are summarized as follows:

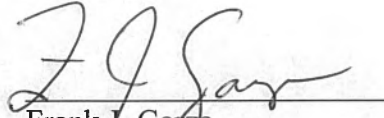
**June 11, 2019 and August 28, 2019 Complaint:** Commission dismissed this complaint for lacking jurisdiction regarding the allegations under Chapter 572 of Texas Government Code and Chapter 145 of Texas Local Government Code. With regards to allegations of violations of Section 2.92.050, while the Commission determined they had jurisdiction, they found that the evidence failed to state allegations that, if true, constituted a violation by the Mayor of the City Ethics Code and therefore the Complaint was unanimously dismissed.

**July 10, 2019 and August 28, 2019 Complaint:** Commission dismissed this complaint for lacking jurisdiction regarding the allegations under Chapter 572 of Texas Government Code because state law provides other criminal and civil authorities with exclusive jurisdiction to review, evaluate, determine and penalize alleged violations of state public information laws, and therefore the Complaint was unanimously dismissed.

Because the Commission has determined that the allegations in both complaints either concern matters beyond the Commission's jurisdiction or fail to provide adequate factual support for alleged violations of the City Ethics Code, there is no need for the Commission to exercise its discretionary authority to engage in conducting a hearing of these matters through requests for witness testimony, production of additional evidence, or hearing of oral arguments by the parties.

No further action by the Commission is required and therefore, this matter is final.

Regards,



Frank J. Garza  
Special Counsel to the  
Ethics Review Commission

cc: Ethics Review Commission Members  
Ms. Karla M. Nieman, City Attorney  
Ms. Laura D. Prine, City Clerk