

**OSCAR LEESER**  
MAYOR

**TOMMY GONZALEZ**  
CITY MANAGER



**CITY COUNCIL**  
PETER SVARZBEIN, DISTRICT 1  
LARRY ROMERO, DISTRICT 2  
EMMA ACOSTA, DISTRICT 3  
CARL L. ROBINSON, DISTRICT 4  
MICHEL R. NOE, DISTRICT 5  
CLAUDIA ORDAZ, DISTRICT 6  
LILY LIMÓN, DISTRICT 7  
CORTNEY CARLISLE NILAND, DISTRICT 8

**SPECIAL MEETING  
OF THE CITY COUNCIL OF THE CITY OF EL PASO  
CITY HALL, 300 N. CAMPBELL  
MAIN CONFERENCE ROOM, 2<sup>ND</sup> FLOOR  
November 30, 2015**

The City Council met at the above place and date. Meeting was called to order at 9:06 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Larry Romero, Emma Acosta, Carl Robinson, Michiel Noe, Lilia Limon, and Cortney Niland. Late arrival: Claudia Ordaz at 10:22 a.m.

**AGENDA**

1. Discussion and action regarding the City of El Paso Ethics Ordinance to include a general review of the Charter provisions, City Ordinances, State statutes and the recent work by the El Paso Ethics Commission.

Ms. Sylvia Firth, City Attorney, presented a PowerPoint presentation, (copy on file in City Clerk's Office).

Ms. Firth's talked about the self-imposed financial disclosure along with other requirements; she also explained that nepotism, either by blood or marriage, is prohibited.

Representative Noe asked if the entire Council is limited to eight individuals.

Representative Acosta asked if the majority is still the same.

Ms. Firth added that the Mayor is included.

Mayor Leeser asked if he can veto Council's actions.

On slide Number 8, Section 3.8 – Investigative Powers - Ms. Firth pointed out that Council may want to look at area where makes reference to "The Council shall provide by ordinance penalties for contempt...."

Ms. Firth explained that even though the City Charter allows for monetary fees, it needs to be done by ordinance.

Mayor Lesser asked if changing the Ethics Ordinance would require a change to the City

Charter; Ms. Firth's reply was "No".

Ms. Firth proceeded to review the current Ethics Commission. She mentioned they are required to meet at least annually.

Representative Ordaz asked about the membership requirements.

Ms. Firth listed living within city limits and not being a member of other City Boards or Commissions as the requirements.

Representative Svarzbein observed that a current member of the Ethics Commission is also a member of another City board; Mayor Leeser commented that must be corrected.

Representative Limón noted that Robert Fierro is no longer a member of the board and requested to fix Commission's webpage removing his name.

Mayor Leeser asked Ms. Firth to explain donations for discretionary funds.

Representative Noe mentioned the loopholes need be looked at.

Representative Acosta added that funds donated and contributions made to her office have been for a specific purpose.

Ms. Firth noted that discretionary funds need to be looked at but added that so far everything has been open and transparent.

Representative Niland added that a specific purpose needs to be listed.

Representative Limón commented on the ability to tap into sponsorship fund for something else.

Representative Noe asked if it is okay to hire a family member to run the sponsorship programs, to which Mayor Leeser replied "No".

Representative Noe commented that the gift limit not to exceed \$75.

Representative Limón asked if donations are to be placed on agenda under consent and Ms. Firth replied they must be reported on monthly gift report.

Representative Acosta asked if Sun Bowl tickets are to be included on report. Ms. Firth explained that City Manager is the one who accepts and then distributes the items gifted; he accepts and then adds it to gift report.

Mayor Leeser ask if person gifted the tickets is unable to attend can the tickets can be given to staff member or otherwise. Ms. Firth commented that a staff member is not the same as an elected official.

Representative Romero asked if it is okay to have lunch with city employees; Ms. Firth replied okay.

Representative Acosta asked if it is okay to have lunch with a lobbyist to which Ms. Firth replied "Only if it is not more than \$10".

Representative Ordaz asked if it is okay to pay for family at events through her personal fund; Ms. Firth replied it is okay.

Regarding Item 9 on the *Officers and employees shall not* slide, Ms. Firth explained it must be a formalized group; City Manager Tommy Gonzalez added both groups must be non-profit.

Representative Acosta asked the meaning in which the word "recklessly" is being used under Item 14 on the same section. Ms. Firth replied she did not know and did not have an example; labeled it a good question and added it is subjective.

Mayor Leeser commented that the word must be defined.

City Manager Tommy Gonzalez asked if this applies to committees; Ms. Firth reply was that Council has a representative on each of the committees.

Ms. Firth mentioned the Ethics Review Committee has a recommendation which includes a hybrid/one-year they think two years is too long to wait. Page 11

On the topic of complaints to the Ethics Review Committee, Ms. Firth explained that violations need to be identified and documented.

Representative Acosta asked if the sworn statement needs to be notarized; Ms. Firth replied, correct.

Ms. Firth commented when a complaint is rejected, working on it through the Ethics Review Committee.

Representative Acosta asked why complaints aren't addressed to the Ethics Review Committee instead of City Attorney's. Send recommendations to board so they can address.

Representative Noe added that would leave matters up for abuse.

Representative Acosta added that for the sworn statement and documentation, the commission has attorney to review.

In regards to the prohibition if contributions by litigants section, Representative Acosta requested a list be provided for Council members; Ms. Firth said agreed.

Regarding Disclosure of campaign contributions, letter A (slide No. 34) Ms. Firth added after review of consent agenda.

Mayor Leeser asked for the timeframe to disclose campaign contributions; answer is 30 days to disclose.

Representative Limón added it must appear on next report.

In regards to the Ethics Training, Representative Acosta commented that ethics' training for employees is not specific to the job, to which Ms. Firth added is in the ordinance.

Representative Svarzbein added course of training within 60 days, needs to be more thorough.

Mayor Leeser asked for the definition of "substantial" as applied in the *Conflict of Interest* slide (Slide # 39).

Ms. Firth asked members of Council to be mindful of section # 2 listed on slide # 43 dealing with disclosing certain relationships with vendors who conduct business with local governmental entities.

Regarding the *Bribery* section Representative Acosta mentioned that Council does not now if someone has proposed a bid and Council is meeting with individuals. Mayor Leeser mentioned a code of silence.

Ms. Firth explained that the burden is on the individuals.

City Manager added that is correct and added to get with Purchasing, Legal, and Audit to come up with solution; Ms. Firth asked for an opportunity to work on it.

Representative Acosta asked for a better method to inform Council of proposals.

Mayor Leeser added to make individuals and staff aware.

Representative Svarzbein asked if academic conferences and owning a professional practice would be a conflict, in regards to acceptance of honorarium, to which Ms. Firth replied it is not a conflict.

While reviewing Slide # 51, Ms. Firth advised Council to be aware of newsletters. Representative Acosta added not to have more than two pictures.

Representative Noe commented that electronic copies some don't have pages, just scroll like a webpage. Representative Limón added to print, that would be your guide.

Ms. Firth proceeded to review the status of work assigned, focusing on the January 22, 2014 items, which have to do with monetary sanctions and two years prohibition.

Mr. Firth commented that social media, text messages, electronic devices, and procurement practices are some of the areas Council has expressed interest in.

During the questions section Mayor Leeser noted the importance to appoint someone to the Ethics Commission.

Representative Noe mentioned that no one wants to commit without knowing how much time is required.

Representative Svarzbein asked for clarification on the prohibition from public employment and the different roles for this; Ms. Firth explained that is defined in State law

and that it must be discussed in a more public way. She added that the source of funds is the issue and that teaching is addressed at the state level.

Representative Acosta requested to receive an update report every 90 days and for the Ethics Commission to meet at least once a month; also for the ordinance to address the accessing of the fines. Representative Acosta also emphasized the following:

Page 12 – Commission needs permanent staff; Page 13 – Re-identify gifts/lobbyist; Page 20 – Address/define “Reckless”; Page 29 – different way to file an ethics complaint; Page 31 – Cannot accept donations for individuals who sue the City; Page 48 – training for staff on newsletters.

Representative Limón requested a list of lawsuits. Also, on Page 53 – additional and finish; Page 13 – final resolution for Neon Desert straight to Council.

City Manager asked about City sponsored events to which Ms. Firth answered some things are not covered by Ethics.

### **ADJOURN**

Motion made by Representative Svarzbein, seconded by Representative Romero, and unanimously carried to **ADJOURN** this meeting at 12:49 a.m.

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APPROVED AS TO CONTENT:

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Richarda Duffy Momsen, City Clerk