

CITY OF LEON VALLEY
ETHICS REVIEW BOARD MEETING
City Hall – Council Chambers
6400 El Verde Road, Leon Valley, Texas 78238
Thursday, September 17, 2020 at 6:00 p.m.

AGENDA

The City of Leon Valley Ethics Review Board shall hold an in-person meeting with as many Board Members physically present as possible. Some Members of Ethics Review Board may teleconference in. The City will use appropriate guidelines from the Centers for Disease Control and Prevention with respect to social distancing and utilizing additional hygiene controls.

1. Call to Order, Announcement of a Quorum, and Pledge of Allegiance.
2. Discussion and Possible Action on the Approval of the August 31, 2020, Ethics Review Board Meeting Minutes.
3. Citizens to be Heard
4. The Ethics Review Board Shall Enter into Executive Session Pursuant to:
 - a. Texas Government Code Section 551.071 (“Consultation with Attorney”) To Seek the Advice of Temporary Ethics Compliance Officer/Outside Independent Counsel Regarding Pending Ethics Complaint EC081020 filed by Justin Pulliam.
 - b. Texas Government Code Section 551.074 (“Personnel Matters”) to Consider a Complaint Against the Public Officers Named in Complaint EC081820.
5. Reconvene into Regular Session and Take Action on Issues Discussed in Executive Session If Necessary.
6. Deliberations, Including Discussion, Determination, Disposition and Possible Action on the Pending Ethics Complaint EC081820.
7. Adjournment.

Attendance by Other Elected or Appointed Officials:

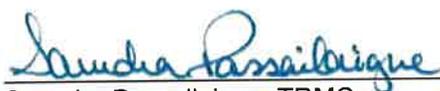
This is a notice of the possible gathering of a possible quorum of other governing bodies. It is anticipated that members of City Council or any other City boards, commissions and/or committees might attend the Ethics Review Board meeting in numbers that may constitute a quorum. Notice is hereby given that the Ethics Review Board meeting, to the extent required by law, is also noticed as a potential meeting of City Council and any other boards, commissions and/or committees of the City, whose members may be in attendance in numbers constituting a quorum. These City Council members and members of other City boards, commissions, and/or committees may not deliberate or take action as a governing body on items listed on the agenda. [Attorney General Opinion – No. GA-0957 (2012)].

Executive Session:

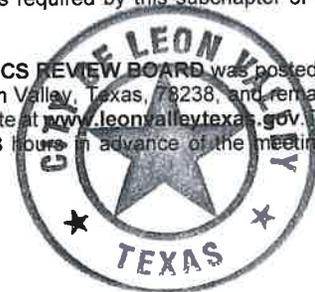
The Ethics Review Board reserves the right to adjourn into executive session (i.e., a closed meeting) at any time to convene with legal counsel in accordance with Tex. Gov’t Code sec. 551.071 or to discuss personnel matters pursuant to Tex. Gov’t Code sec. 551.074.

Sec. 551.0411. Meeting Notice Requirements In Certain Circumstances: (a) Section [551.041](#) does not require a governmental body that recesses an open meeting to the following regular business day to post notice of the continued meeting if the action is taken in good faith and not to circumvent this chapter. If an open meeting is continued to the following regular business day and, on that following day, the governmental body continues the meeting to another day, the governmental body must give written notice as required by this subchapter of the meeting continued to that other day.

I hereby certify that the above **NOTICE OF PUBLIC MEETING(S) AND AGENDA OF THE ETHICS REVIEW BOARD** was posted September 12, 2020 at 11:52 a.m. on the Bulletin Board at Leon Valley City Hall, 6400 El Verde Road, Leon Valley, Texas, 78238, and remained posted until after the meeting(s) hereby posted concluded. This notice was also posted on the City’s website at www.leonvalleytexas.gov. This building is wheelchair accessible. Any request for sign interpretive or other services must be made 48 hours in advance of the meeting. To make arrangements for such services, please call (210) 684-1391, Extension 216.



Sandra Passailaigue, TRMC
City Secretary





**CITY OF LEON VALLEY
ETHICS REVIEW BOARD**

Leon Valley City Hall – Council Chambers
6400 El Verde Road, Leon Valley, Texas 78238
Thursday, September 17, 2020, at 6:00 p.m.

MINUTES

The Leon Valley Ethics Review Board met on the 17th day of September, 2020, at the Leon Valley Council Chambers located at 6400 El Verde Road, Leon Valley, Texas for the purpose of the following business:

Call to Order, Announcement of a Quorum, and Pledge of Allegiance.

The meeting was called to order by Ethics Review Board Chair David Jordan at 6:02 p.m. on September 17, 2020. Chair Jordan led the Pledge of Allegiance.

A quorum was declared by roll call with Members in attendance being: Chair David Jordan, Vice Chair Jessica Moffett, Member Karen Seiffert and Member Marsha Blackmore. Member Liz Maloy and Temporary Compliance Officer/Outside Independent Counsel Ross Fischer remoted into the meeting.

Also, in attendance were: Staff Liaison, ACM/LVPD Chief Joseph Salvaggio, City Secretary Sandra Passailaigue, ACM/HR Director Crystal Caldera, and various LVPD and LVFD staff.

Chair David Jordan welcomed everyone and said he had a couple comments to make before beginning.

Chair Jordan thanked former Board Member Karen Weidlich for her service to the Board. Ms. Weidlich sold her home and has moved out of Leon Valley. We welcome Member Marsha Blackmore who has been appointed by City Council to fill the vacancy.

Chair Jordan continued by reminding everyone that the members of the Ethics Review Board are citizen volunteers who give freely of their time and try to do the best with the information provided to us. We realize that it is a difficult time sometimes and people may not agree with us and the decision at the end of the day. It is my understanding that at the last City Council meeting some disparaging remarks were made by a City Councilor. I would like to ask that people respect the citizens that give their time to serve on whatever

committee it is. They give their time to the community freely to serve as a service. I think it is irresponsible for a leader of the City, to make comments disparaging citizens when we give our free time to serve in the community.

Discussion and Possible Action on the approval of the August 31, 2020 Ethics Review Board Meeting Minutes.

A motion was made by Member Karen Seiffert and seconded by Chair David Jordan to approve Item 2 as presented. The motion passed unanimously.

Citizens to be Heard

Chair David Jordan asked City Secretary Sandra Passailaigue to provide the Citizens to be Heard Sign-In Sheet.

Chair Jordan called each person's name that signed in as in order of which they signed in.

- Erick Matta – passed.
- Justin Pulliam – spoke about conflict of interest on the Board; attorney-client privilege information; and release of that information being a violation of City Charter.
- William Bradshaw – thanked the Board for their time that they give freely and knows of all the work that goes into it as a member of City Council he also understood that; he added that he stands by the comments he made at this week's Council meetings regarding the Ethics Review Board meeting being "unprofessional and the kangaroo ethics committee" pointing out "swearing in the witnesses after the fact of their testimony was totally backwards."; also "echoed Justin Pulliam's comments about bias on the committee." reading aloud a letter he received from Ms. Maloy a year ago; lastly, "we don't know who made the complaint or who it is about in the item to discuss related to EC081820, that should be public information."

The Ethics Review Board Shall Enter into Executive Session Pursuant to:

- a. **Texas Government Code Section 551.071 ("Consultation with Attorney") to Seek the Advice of Temporary Ethics Compliance Officer/Outside Independent Counsel Regarding Pending Ethics Complaint EC081020 filed by Justin Pulliam.**
- b. **Texas Government Code Section 551.074 ("Personnel matters") to Consider a Complaint Against the Public Officers Named in Complaint EC081820.**

Chair Jordan that there are two (2) cases to be discussed this evening. One case is regarding Dr. Catherine Rodriguez regarding release of public information; and the second case is regarding Councilor Donna Charles. Chair Jordan added that since he was appointed by Councilor Catherine Rodriguez to this Board, he would recuse himself from any discussion or vote related to the case. Since Member Marsha Blackmore was

appointed by Councilor Donna Charles, she would recuse herself from any discussion or vote related to her case.

Chair Jordan added that during the last hearing, there were no “witnesses” to be sworn in. There were the complainant and the respondent but neither one presented any witnesses to be sworn in. After legal review of that case, there were no mistakes made during the hearing. Just for clarity and to put that on the record.

Chair Jordan proceeded to read the agenda caption and then the Ethics Review Board went into Executive Session at 6:16 PM

Reconvene into Regular Session and Take Action on Issues Discussed in Executive Session if Necessary.

The Board reconvened into Executive Session at 7:09 PM. No action was taken in Executive Session.

Deliberations, Including Discussion, Determination, Disposition and Possible Action on the Pending Ethics Complaint EC081820.

On the case of Councilor Donna Charles: Member Karen Seiffert began by saying, “As we learn to best serve the citizens of Leon Valley, as a newly commissioned board for the City, we are learning together. We as citizens of Leon Valley wish only to help our community grow and improve. I move, in the case against the Mayor, privileged information was given to the public by the Mayor via her own personal email and this information was not received from proper channels. In the case against Donna Charles, said information which was used in the PowerPoint to prove wrong doing by the Mayor, was already out in the public as per the Mayor’s actions and the Attorney General had, at the time of the hearing, not ruled on the confidential issue. Therefore, I am making a motion that the complaint against Donna Charles be dropped.” The motion was seconded by Member Liz Maloy.

Vice Chair Jessica Moffett stated that she did not “know if the right thing to do is to dismiss this outright but, she was given the information by another council member and apparently that is a legal thing to do. So, I don’t know how I want to personally proceed with this.”

There being no further discussion, Chair David Jordan proceeded to the roll call vote.

Vice Chair Jessica Moffett – Abstain, Chair David Jordan – Yes, Member Karen Seiffert – Yes, Member Liz Maloy – Yes, and Member Marsha Blackmore – recused.

Upon a three (3) for with one (1) abstention and one (1) recusal, Chair Jordan announced the case dismissed.

Member Karen Seiffert said “I think that we are learning from this whole process. And in this learning I think that we are all aware of what we can and cannot do. Just as we allowed the Mayor not to have any kind of follow up on the fact that she did something that was unethical and we said no further action should be taken, no further action should

be taken against Donna because she in good conscience did what she thought needed to be done and the information was already out there.”

Next case EC081820 against Dr. Catherine Rodriguez: Chair David Jordan stated once again that he would recuse himself and not be voting on this case.

Member Karen Seiffert moved that the case be dismissed. Member Liz Maloy seconded the motion.

Member Jessica Moffett asked that the Board state why.

Member Karen Seiffert stated “The complaint is that Catherine Rodriguez gave confidential information to the public. That is not the case according to what we have researched. She gave information to a fellow council member and that is not illegal. That is why this case is invalid.”

Chair David Jordan proceeded to the roll call vote.

Vice Chair Jessica Moffett – Yes, Chair David Jordan – Recused, Member Karen Seiffert – Yes, Member Liz Maloy – Yes, and Member Marsha Blackmore – Yes.

Upon a four (4) for with one (1) abstention, Chair Jordan announced the case dismissed.

Adjournment

Chair Jordan announced the meeting adjourned at 7:22 PM

These minutes were approved by the Ethics Review Board on the 8th day of October, 2020.

APPROVED



DAVID JORDAN
CHAIR

ATTEST:



KELLY KUENSTLER
STAFF LIAISON