

ETHICS ADVISORY COMMISSION

MINUTES

December 17, 2004, Room 5ES

Members Present: Daniel Perez, Chair
Calvin Bluiett, Vice-Chair
Rebecca B. Bergstresser
Linda G. Sorrells
Jim Clark
Margaret Donnelly
Gloria Tarpley

Staff Present: Deborah Watkins, Assistant City Secretary
Michelle Calloway, City Secretary's Office
Monesia Davis, City Secretary's Office

With a quorum being present, Chairman Perez called the meeting to order at 9:15AM. Chairman Perez called for a motion to approve the minutes of the November 19, 2004 meeting as presented by the city secretary. Commissioner Bluiett moved to approve the minutes. After discussion, the motion failed. Commissioner Bergstresser moved to approve the minutes with the addition of "motion passed unanimously" to all motions voted upon and unanimously passed in the meeting. Commissioner Bluiett seconded the motion. The motion passed unanimously.

The Commission discussed the necessity of easier web access to ethics information, especially for those citizens who would file complaints if the process were easier and more readily available. Commissioner Tarpley suggested that the EAC develop an introductory video or PowerPoint presentation. She also suggested that EAC members pair up and attend Town Hall meetings, and that a letter be sent to Council members informing them of the Commission's knowledge of the meetings and their desire to attend. Commissioner Bergstresser pointed out that the EAC needed a good, prepared instrument to take when going to meet City Council members and/or attending Town Hall meetings. It was determined that the month of May would be a good target date to have the introductory presentation completed. Commissioner Sorrells stated that all EAC members should be on the same page with the information presented to citizens, and that no Commissioner *individually* address any particular matter. She stated that EAC members should provide information concerning procedures *only*, and that the Council be made aware in advance of the information that would be presented.

Chairman Perez recommended that a Commissioner be appointed to investigate the procedures involved for obtaining a city contract by profit and non-profit groups. He also stated that the introductory presentation be no more than a minute or two in length, with a possible handout, and that it could also possibly be placed on a computer disc and given out. He asked for volunteers for these two projects; Commissioners Clark and Bluiett volunteered to investigate the city contract process (Chairman Perez stated he would like to work with this group as well); Commissioner Tarpley volunteered to work on the introductory presentation and asked Commissioner Bergstresser to join her. Commissioner Bergstresser stated that she would be available to read items and give suggestions if Commissioner Tarpley would generate the end product.

Assistant City Secretary Deborah Watkins informed the Commission that there is a specific city of Dallas department that specifically handled contracts and contractors, and that there is also an available website with a great amount of information. She stated that if the Commission desired, the City Secretary's office could contact this department and have them come in to make a presentation and meet with the Commission. Commissioner Clark stated that the volunteer group would do the preliminary investigation first, report back to the Commission and it would subsequently be determined what steps would be taken next. Commissioner Tarpley asked if there was a city department available to assist the Commission with producing the final marketing tool that would be used; Assistant City Secretary Watkins stated that the City Secretary's office had staff with expertise in PowerPoint and that their services would be made available to the Commission.

The Commission discussed EAC information being made available on the Internet, and linking with other fraud or ethics departments within the city. The Commission agreed to table the discussion until a report was made by the City Secretary's office.

The Commission discussed at length the necessity of obtaining from the City Attorney's office advisory opinions written to city employees and others, and the possibility of obtaining these opinions. It was determined that the opinions would be helpful for training and information purposes, and for ensuring that future EAC preliminary panels did not render decisions that were counter to what was being handed down by the City Attorney's office. The Commission also discussed the fact that Ethics Advisory Commissions from other cities were issuing advisory opinions.

Under the agenda item of "new business", Chairman Perez informed the Commission that the state of Texas had a Center for Ethics, and that the center archived opinions that would be of interest to the Commission. He suggested that someone volunteer to research and bring back to the Commission relevant opinions to the Commission on "hot button" topics, and that this could be presented on a monthly basis and also serve as a mode of training. After much discussion, Commissioner Bergstresser moved that the EAC proceed to obtain, for discussion and training purposes, advisory opinions from the Texas Ethics Commission that would be relevant to the EAC. Commissioner Bluiett seconded the motion; the motion passed unanimously.

The Commission discussed the *2005 Annual Report to the City Council* and determined that, in light of the discussion that had taken place, the Annual Report be modified to reflect that the EAC and the City Council engage in more outreach to the community to educate the citizens of Dallas as to their Ethics Code. Discussion ensued as to where in the Annual Report this should be placed, and Commissioner Tarpley drafted the language that should be utilized. It was determined that the Commission would be broad in the statement it placed in the Annual Report, but more specific in actions taken. Commissioner Bergstresser moved that statement be added to the Annual Report on Page 4 as a third heading, as drafted by Commissioner Tarpley:

"The Ethics Advisory Commission recommends that efforts be made by both members of the EAC and members of the City Council to increase the awareness in the Dallas community of the Code of Ethics."

Commissioner Bluiett seconded the motion; the motion passed unanimously. Commissioner Bluiett then moved that, other than that amendment, the *2005 Annual Report to the City Council* be presented as printed (the current draft was referred to and utilized at the meeting). Commissioner Tarpley seconded the motion; the motion passed unanimously.

Commissioner Tarpley asked if the handout in the packet concerning the extension of the Code of Ethics by the City Council indeed reflected that the Ethics Code would remain in place and that the matter had been addressed and resolved; it was affirmatively stated that it did. The Commission thanked Commissioner Tarpley for bringing the matter of the Code's impending expiration to everyone's attention. Additionally, the Commission determined that it would retain the third Friday of each month as its meeting date.

Commissioner Tarpley stated that she would come to the monthly meeting in January with a skeletal outline of the materials or PowerPoint items needed for her presentation. Commissioner Clark stated that he and Commissioner Bluiett should also be prepared to present information they had gathered concerning city contract processes. Commissioner Bergstresser asked if January's meeting would be too soon to bring an advisory opinion for discussion; Commissioner Perez stated that he would fax or e-mail information to Commissioner Bergstresser, go through the act and see what material was available, and find out from the Commission what aspect they would like to address first. He stated that he would initially get the material together, make assignments and then schedule presentations to be made at each monthly meeting. He stated that this would probably be an item for the February agenda.

With no other new business, Chairman Perez called for a motion to adjourn. Commissioner Bluiett moved to adjourn; the motion was seconded by Commissioner Tarpley and passed unanimously.

The meeting adjourned at 10:50 AM.