

**CITY OF HOUSTON VIDEOCONFERENCE ETHICS COMMISSION MEETING  
February 5, 2021 MEETING MINUTES**

On February 5, 2021, the City of Houston Ethics Commission held via a videoconference meeting via Microsoft TEAMS. Members present were: Mr. Gregory C. Ulmer, Mr. Alfonso Maldonado, III, Ms. Marsha Fisk, Ms. Julie Marinucci, Mr. David Michael Goldberg. Commissioner Collins and Sanders were absent.

The City of Houston Legal Department was represented by Senior Assistant City Attorney Rashaad Gambrell, Assistant City Attorney Joseph Hays, and Ethics Commission Secretary Ms. Nerissa Jewett.

**1. Call to Order**

The meeting was called to order by Chairman Goldberg at 3:08 p.m. Ethics Commission Secretary Ms. Nerissa Jewett established a quorum present by conducting a roll call for attendance.

**2. Discussion and possible action to adopt the November 2020 Ethics Commission meeting minutes.**

Commissioner Fisk moved to approve the November 2020 Ethics Commission meeting minutes. Vice-Chair Ulmer seconded the approval of the meeting minutes. There were no objections. The November 2020 meeting minutes were approved.

**3. Overview of January 21, 2021 presentation to City of Houston Ethics, Elections, & Council Governance Council Committee.**

Chairman Goldberg introduced the agenda item and asked Mr. Gambrell to provide a general overview to the Ethics Commission concerning the matters discussed with the Council Committee; specifically, the Ethics Commission's jurisdiction as well as Rule 6, section 2-2 of the City Code. Mr. Gambrell explained Rule 6, section 2-2 of the City Code (the Council Member's Code of Conduct) which authorizes Council Members to discipline one another for misconduct.

Chair Goldberg explained that he was approached by a Councilmember who requested that the Chair come and provide a general overview of the matters that come within the Ethics Commission jurisdiction, to remind Councilmembers about the process involved in Rule 6, section 2-2 of the City Code, and to more broadly remind both Councilmembers, city employees, and members of the public what ethical standards of conduct apply to elected city officials and others defined as city officials pursuant to section 18-2 of the City Code. Additionally, there was some concern that the Administrative & Regulatory Affairs Department ("ARA") had not been providing annual notice to City employees on how to file a complaint with the City's Ethics Commission.

Mr. Gambrell added that when he and the Commissioner were approached to give a presentation to the Council Committee the Committee wanted more than just the Chair to participate in the meeting. However due to the time constraint, the Chair and Mr. Gambrell attended and presented at the Council Committee meeting and provided information only and were sure not to convey any opinions or thoughts on behalf of the Ethics Commission.

**4. Continued discussion and possible action concerning Ethics Commission's role in the upcoming 2021 financial disclosure statement process.**

Chair Goldberg introduced the item and asked Mr. Hays to discuss the options on how to keep the Commission informed in real-time regarding the financial disclosure statement process. Mr. Hays stated the Commission could be updated by holding more meetings to discuss the financial disclosure statement filings or by distributing to the Commissioners informational emails concerning the number of persons who have filed their financial disclosure statements. Mr. Hays added that with emails, there is a risk of violating the Open Meetings Act.

Chair Goldberg commented that he is in favor of the email communications rather than having more meetings. Chair Goldberg stated he would appreciate receiving status update emails on a biweekly basis, but that he was agreeable to more or less frequent emails depending on the desires of the Ethics Commission as a whole.

Commissioner Fisk asked about security in using the emails. Mr. Gambrell responded that when we send updated information via email, we have to be careful not to invite a dialog over email amongst all of the Commissioners because doing so would likely violate an Open Meetings Act, which requires us to have a meeting to engage in discussion about public business. Mr. Gambrell stated that Commissioners could ask him, or Mr. Hays questions but that there could not be a communal discussion amongst the Commission members over email. Chair Goldberg agreed with the comments and concerns and suggested placing "Do Not Reply" in the subject line of any emails regarding the financial disclosure statement updates.

Commissioner Goldberg asked Commissioner Marinucci and Vice-Chair Ulmer if they had anything to add before a motion is made to receive regular updates.

Vice-Chair Ulmer stated he agreed with the concept of receiving email updates, provided they were sent and received in a way that prevent a violation of the Open Meetings Act.

Commissioner Marinucci stated she agreed with Vice-Chair Ulmer.

Chair Goldberg moved that the Legal Department provide the Commission with bi-weekly, or as appropriate, updates concerning the financial disclosure statement disclosure filing process.

Commissioner Marinucci second the motion. There were no objections. The motion was approved.

**5. Discussion of the Ethics Commission's future review of Chapter 18, Code of Ordinances, Houston, Texas.**

Chair Goldberg explained to the Commissioners this item is not a discussion about specific revisions to Chapter 18; rather, a discussion about the prospect of participating in, as an advisory body in potential review of Chapter 18, as the Council Members expressed their willingness to explore changes to Chapter 18.

Chair Goldberg noted that a few Council Members, specifically Council Member Alcorn, mentioned she would like Council to explore strategic revisions to Chapter 18 of the City Code. Chair Goldberg reminded the Commissioners that the Commission is not a governmental body authorized to adopt law, but that the Commission serves in an advisory capacity to the Administration and City Council.

Chair Goldberg expressed an interest in having the Office of the Inspector General ("OIG") to attend a meeting and present to them their role in how it is currently laid out in Chapter 18 as it relates to the Ethics Commission, but also the authority by which they are established in the Executive Order 1-39.

Mr. Gambrell stated he would extend the Commission's invitation to the City's Inspector General to come discuss the role of the Office of Inspector General in assisting the Ethics Commission with investigating a complaint.

Mr. Gambrell also committed to speaking with ARA to ensure it is fulfilling its annual duty to distribute notice to City employees regarding the proper method of filing a complaint with the City of Houston Ethics Commission if they feel there has been a violation of Section 18-3 of the City Code.

Vice-Chair Ulmer requested that the Inspector General be invited to a future Commission meeting so all Commissioners can have an opportunity to discuss the role of the Inspector General as it relates to investigating complaints filed with the Ethics Commission.

**Public Comments**

There were no public comments.

**Adjourn**

Commissioner Marinucci moved to adjourn the Ethics Commission Meeting. Commissioner Fisk seconded the motion. There were no objections. The Ethics Commission meeting was adjourned at 3:48 p.m.

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**Nerissa Jewett**  
**Ethics Commission Secretary**