

## ETHICS COMMISSION MEETING

The Ethics Commission of the City of Kyle, Texas met on January 13, 2012 at 6:00 pm at Kyle City Hall, with the following persons present:

Gary Rush  
Lynn Cohee  
Ed Winn  
Jerri Lopez  
Felicia Svendsen  
Christina Vaca  
City Attorney Frank Garza

### CALL MEETING TO ORDER

City Attorney Frank Garza called the meeting to order at 6:05 pm.

### ROLL CALL

The City Attorney called for roll call. Present were Commissioners Rush, Cohee, Winn Lopez and Svendsen.

### CONSIDER AND POSSIBLE ACTION

- Election of Chairman to the Ethics Commission
- Election of Vice Chairman to the Ethics Commission

Commission Member Lopez nominates Gary Rush as Chairman. Commission Member Ed Winn seconds the motion. All votes aye. Motion carried.

Attorney Frank Garza states that he will now turn the meeting over to the new Chairman Gary Rush.

Commission Member Ed Winn nominates Commission Member Jerri Lopez as Vice Chair. Commission Member Lynn Cohee seconds the motion. All votes aye. Motion carried.

### REVIEW OF ETHICS ORDINANCE

City Attorney Frank Garza states that he would like to review Part G Section 4 Complaints, of the Ethics Ordinance due to the Executive Session of the meeting regarding a report of a possible ethics violation. This section provides that any person that believes that there has been a violation of the ethics laws may file a sworn statement with the City Secretary. A complaint is confidential until the Commission rules on it and once a ruling has been made it becomes an open document and can be requested under the open records act and becomes a public document. He states that in (b) Forms, it describes the steps in filing a complaint. He states that there is no complaint filed at this time, but that this ordinance requires officials and employees to file a report if they think

## ETHICS COMMISSION MEETING

January 13, 2012 – Page 2

Kyle City Hall

an ethics violation has occurred. He states that reports were received from officials and employees from information they received that a possible violation may have occurred and that is what is being forwarded to the Commission. The City Attorney informs the Commission that when they go into Executive Session they will review these reports and when they come out of the Executive Session the decision will have to be made whether or not they will proceed or not proceed. He directs the Commission Members to the second to last page of the Ordinance Section 7, Titled: Failure to Report and Penalty; Any City official or employee who has knowledge that a violation of the Ethics Code has been committed and intentionally fails to report such violation as provided in Part B, Section 12 of this Code is subject to the penalties herein. In Part B Section 12; Persons Required to Report; Time to Report; Place to Report; A City official or employee who had knowledge of a violation of any of the provisions of this Ethics Code shall report this violation as provided below within a reasonable time after the person has knowledge of a violation. A City official or employee shall not delegate to, or rely on, another person to make this report. These employees did not want to be in violation of the ordinance so that is why they submitted the reports.

### EXECUTIVE SESSION

CONVENE INTO EXECUTIVE SESSION PURSUANT TO SECTION 551.071, TEX. GOV'T CODE, AND SECTION 1.05, TEX. DISCIPLINARY RULES OF PROFESSIONAL CONDUCT TO CONSULT WITH LEGAL COUNSEL REGARDING REPORT OF POSSIBLE ETHICS VIOLATION

Chairman Gary Rush states that the City of Kyle Ethics Commission will adjourn into Executive Session to discuss, as authorized by Texas Government Code Section 551.071 (Attorney / Client Consultation) to discuss a report of a possible Ethics Violation, on the 13<sup>th</sup> day of January, 2012 at 6:17 pm.

Commission Member Vaca arrived at 6:38 pm.

RECONVENE INTO OPEN SESSION TO TAKE ACTION AS DEEMED APPROPRIATE IN THE DISCRETION OF ETHICS COMMISSION (BOARD) REGARDING THE REPORT OF POSSIBLE ETHICS VIOLATION

Chairman Gary Rush states that the City of Kyle Ethics Commission completed its Executive Session on this matter at 7:13 pm. The City of Kyle Ethics Commission took no action in Executive Session and now resumes its open session.

Commission Member Lopez makes a motion that the Ethics Committee choose not to file the complaint due to not enough evidence that she committed a violation but only used bad judgment according to the information provided, and that the Committee recommends that City Officials, City Council Members, and employees receive ethics training annually and sign an acknowledgement form. Commission Member Winn seconds the motion. All votes aye. Motion carried.

ETHICS COMMISSION MEETING

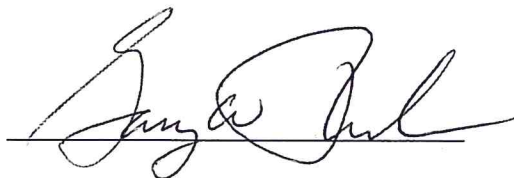
January 13, 2012 – Page 3

Kyle City Hall

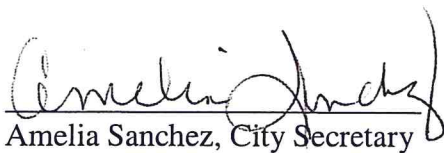
ADJOURN

With no further business to discuss Commission Member Cohee moves to adjourn. Commission Member Vaca seconds the motion. All votes aye. Motion carries.

The Ethics Committee meeting adjourned at 7:22 pm.

A handwritten signature in black ink, appearing to read "Gary Rush", written over a horizontal line.

Gary Rush, Chairman

A handwritten signature in black ink, appearing to read "Amelia Sanchez", written over a horizontal line.

Amelia Sanchez, City Secretary