



City of San Marcos

Meeting Minutes

Ethics Review Commission

Thursday, February 11, 2021

5:30 PM

Virtual Meeting

I. Call To Order

With a quorum present, the special meeting of the Ethics Review Commission was called to order by Chair Garcia at 5:31 p.m. on Thursday, February 11, 2021.

II. Roll Call

Present: 6 - Chair Garcia, Commissioner Lollar, Commissioner Rice, Commissioner Taylor, Commissioner Teehan, and Commissioner Walden.

Absent: 0

Others Present: Jordan Buckley, Loy Locke, Jamie Lee Case, Lucia Cordova, Saul Gonzales, Rusty Grice, Jade Huffman, Chase Stapp, Drew Wells, Tammy Cook, Daley Heller, Elizabeth Trevino, Alex Arlinghaus, Bucky Couch, Chris Lane, David Case, Diane Insley, Diane Phalen, Gloria Salazar, H Minor, Iila Knight, Jack E Miller, Jessica Ramos, Keith Ubben, Kelly Kistner, Kelly Stone, Larkin Smith, Les Stephens, Linda Coker, Linda Spacek, Mitch Hoffmann, Naomi Narvaiz, Nicholas Aluotto, Rob Roark, Rodrigo Amaya, Stephanie Gates, Stephanie Reyes, Steve Parker, Warren Brown. ***Others listed as Attendees in ZOOM without complete identifying information:*** Christie, Elena, Elisa, Esther, Forrest, Gloria, Ivy, Jennifer, jg, rjs, 214 673 6824, and 827 8710 6623.

1. Consider approval, by motion, the following meeting minutes:

a. January 27, 2021 – Special Meeting

A motion was made by Commissioner Rice, seconded by Commissioner Teehan, to approve the minutes. The motion carried by the following vote:

For: 5 - Chair Garcia, Commissioner Rice, Commissioner Taylor, Commissioner Teehan, and Commissioner Walden.

Against: 0

Abstain: 1 - Commissioner Lollar

b. February 8, 2021 – Special Meeting

A motion was made by Commissioner Lollar, seconded by Commissioner Teehan, to approve the minutes. The motion carried by the following vote:

For: 5 - Chair Garcia, Commissioner Lollar, Commissioner Rice, Commissioner Taylor, and Commissioner Teehan.

Against: 0

Abstain: 1 - Commissioner Walden

2. Consider waiver of the 21-day deadline submission of physical evidence, under ERC's Rules of Procedure for Hearings, to allow relevant evidence submitted on or before February 4, 2021 to be considered at this hearing.

A motion was made by Commissioner Taylor, seconded by Commissioner Lollar, to accept the waiver. The motion carried by the following vote:

For: 6 - Chair Garcia, Commissioner Lollar, Commissioner Rice, Commissioner Taylor, Commissioner Teehan, and Commissioner Walden.

Against: 0

3. Conduct hearing under Section 2.444 of the Ethics Ordinance on Complaint 2020-8.

Chair Garcia began with a review of the Hearing Procedures and the Decorum listed in the Ethics Review Commission's Rules of Procedure for Hearings.

Mr. Cosentino gave an outline of the nature of the allegation on Complaint 2020-8 filed back in December 2020 by Mr. Locke against Mr. Buckley. The complaint alleges two violations of the City's Code of Ethics. However, only one of the violations is under the jurisdiction of the Ethics Review Commission, which is Section 2.424(b)(4) making a false statement of material fact at a public meeting. The alleged violation listed under the Rules of Decorum, for all City boards and commissions, is not listed within the San Marcos Code of Ethics and does not fall under the jurisdiction of the Ethics Commission. He also advised that any evidence or witness testimony today, must be relevant to the facts alleged in the complaint and the specific section of the code alleged to be violated. The Commission will need to determine whether any extraneous information pertains to the matters of the three (3) items included in the complaint.

Presentation of evidence began by Mr. Locke calling his witnesses and then having them cross-examined by the accused, Mr. Buckley and by members of the Commission:

- Rusty Grice sworn in at 6:15 p.m.
- Jade Huffman sworn in at 6:53 p.m.
- Jamie Lee Case sworn in at 7:21 p.m.
- Lucia Cordova sworn in at 7:34 p.m.
- Drew Wells sworn in at 8:05 p.m.
- Jade Huffman recalled at 8:12 p.m.

A motion was made by Commissioner Lollar, seconded by Commissioner Walden, to have a brief recess. The motion carried by the following vote:

For: 6 - Chair Garcia, Commissioner Lollar, Commissioner Rice, Commissioner Taylor, Commissioner Teehan, and Commissioner Walden

Against: 0

The Commission reconvened to Open Session at 8:51 p.m.

Presentation of evidence began by Mr. Buckley at 8:54 p.m. and calling his witness Mr. Jack E. Miller, sworn in at 9:11 p.m. There was no cross-examination.

A motion was made by Commissioner Walden, seconded by Commissioner Lollar, to have a brief recess. The motion carried by the following vote:

For: 6 - Chair Garcia, Commissioner Lollar, Commissioner Rice, Commissioner Taylor, Commissioner Teehan, and Commissioner Walden

Against: 0

The Commission reconvened to Open Session at 10:26 p.m.

Rebuttal presentation of evidence by Mr. Locke began at 10:28 p.m. and by Mr. Buckley at 10:32 p.m.

Summation remarks by Mr. Locke began at 10:40 p.m. and by Mr. Buckley at 10:41 p.m.

A motion was made by Commissioner Walden, seconded by Commissioner Lollar, to enter into Executive Session at 10:44 p.m. to review Complaint 2020-8. The motion carried by the following vote:

For: 6 - Chair Garcia, Commissioner Lollar, Commissioner Rice, Commissioner Taylor, Commissioner Teehan, and Commissioner Walden

Against: 0

The Commission returned from Executive Session at 12:01 a.m.

The Commission reconvened into Open Session at 12:04 a.m.

4. Consider findings and recommendations regarding Complaint 2020-8.

A motion was made by Commissioner Lollar, seconded by Commissioner Teehan, to have the Ethics Review Commission vote to find that a violation under Article V of the Ethics Code, Section 2.424 – Standard of Conduct, subsection (b)(4) making a false statement of fact at a public meeting accord and that the Commission under Section 2.444(e)(3)(a) issue a letter of reprimand due to a violation that was minor and was committed knowingly, intentionally or in disregard of this article. The motion carried by the following vote:

For: 6 - Chair Garcia, Commissioner Lollar, Commissioner Rice, Commissioner Taylor, Commissioner Teehan, and Commissioner Walden.

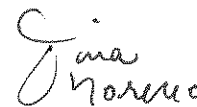
Against: 0

III. Adjournment

The Special Meeting of the Ethics Review Commission meeting was unanimously adjourned at 12:06 a.m.



Michael Cosentino, Staff Liaison



for Lee Garcia, Chair