

**BOARD OF ETHICS PANEL
MEETING MINUTES
February 14, 2019**

After determining that a quorum of the Panel is present, a Panel of the Board of Ethics of the City of Denton, Texas, consisting of Jesse L. Davis, Don Cartwright, and Ron Johnson convened to hold a discussion and consider issuance of an Advisory Opinion, pursuant to a request in compliance with Denton Ethics Ordinance Section 2-278, on Thursday, February 14, 2019 at 5:30 p.m. in the City Hall Conference Room at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Jesse Davis, Chair; Ron Johnson, Don Cartwright

STAFF PRESENT: Umesh Dalal, City Auditor; Aaron Leal, City Attorney; Betsy Snodgrass, Administrative Assistant

COUNCIL MEMBERS: Council Member Deb Armintor

OTHERS: Dalton LaFerney, Pati Haworth

Jesse Davis, Chair of the City of Denton Board of Ethics, brought the meeting to order at 5:36 p.m.

ITEM FOR CONSIDERATION

1. Request for Advisory Opinion No. 19-002 concerning potential pending matters, conflict of interest applicability, and recusal recommendation.

Davis opened with a statement that this meeting is being held to discuss the requests from City Council Member Deb Armintor and City Council Member Paul Meltzer for an Advisory Opinion on the question of whether Armintor and Meltzer have a Conflict of Interest when voting on the selection of a University of North Texas (UNT) facility as a polling location for City Elections. The requests from Armintor and Meltzer came in the form of emails. Davis stated that he prepared a Draft Opinion that combined the two requests and handed it out to the Panel for their review as a guide for discussion. Both Armintor and Meltzer's wife are employed at UNT.

The discussion and determination, Davis stated, should not be as to whether UNT should have a polling location, but should address only if Armintor and Meltzer have a conflicting interest as defined in the City's Ethics Ordinance 18-757:

“It shall be a violation of this Code for a City Official to knowingly deliberate regarding a Pending Matter for which the City Official currently has a Conflicting Interest. City

Officials with a current Conflicting Interest in a Pending Matter must recuse themselves and abstain from Deliberations.”

Davis then addressed the Code as it defines conflicting interest versus a conflict of interest and asked the Panel for discussion on whether Armintor and Meltzer have a conflicting interest.

Don Cartwright stated he understands the relationships between Council members Armintor and Meltzer and UNT which is the first step in determining whether a conflict exists. Cartwright expressed that the conflict is more vivid since there may be a \$4,000.00 payment to UNT for use of their facility. Cartwright agreed with Davis’ Draft Opinion.

Ron Johnson agreed that the wording in the Draft Opinion makes the decision clear. Johnson also asked the question as to whether Armintor and Meltzer will gain anything by adding a UNT polling location.

Davis stated that both Armintor and Meltzer’s wife are compensated more than the \$600.00 in gross annual income from UNT defining a conflicting interest within the City’s Ethics Ordinance.

Davis then moved on to the subject of a pending matter and the definition as it pertains to the Advisory Opinion. The Ethics Code prohibits more than just voting on a pending matter when a conflicting interest exists. It also states that there is a violation of the City’s Ethics Code for a City Official to knowingly deliberate regarding a pending matter for which the City Official currently has a conflicting interest. Davis stated that in an email from Rachel Wood, Chief of Staff for the City of Denton, information was provided regarding the relationship between Denton County, the City of Denton and polling locations. Each polling location signs a contract with the County and the City then has a contract with the County to hold its elections at the determined polling locations. The Ethics Ordinance defines a pending matter as a proposal to enter into a “contract or arrangement” with the City for goods, services, real property, or other things of value. Davis then asked for comments from the Panel members.

Both Johnson and Cartwright agreed that UNT’s polling location proposal and arrangement with the City would constitute a pending matter.

Davis stated that the email from Wood explained that the City is invoiced from the County if a fee is paid for a polling place. Davis did not know if UNT will be charging any fee, but fee or not, it is an arrangement. Johnson asked if the invoice for the polling location is paid by the County and then billed to the City and also asked if the City Council votes on approval of the payment.

Davis stated that information regarding payment would be in the contract, but that it would not make a difference in the ultimate analysis. Davis added that the word “arrangement” could be construed very loosely such as a handshake. He expressed that

the situation may be unfortunate as the City has a lot of interaction with UNT and they are a major employer in Denton.

Cartwright stated that the Draft Opinion was done very well.

Davis then asked for comments on the final section of his Draft Opinion addressing the phrase “knowingly deliberating regarding a pending matter for which the City Official currently has a Conflicting Interest.”. A conflict can exist on more than just voting but also on deliberating. Davis asked the panel if that comment was appropriate to include in the Advisory Opinion as a cautionary statement and fair notice.

Johnson stated that he would be thankful for the guidance.

After minor changes to the Draft, a vote was then taken on the acceptance of the Advisory Opinion as presented.

Johnson motioned, and Cartwright seconded. Motion carried unanimously.

Meeting was adjourned at 6:01 pm.