A Panel of the Board of Ethics of the City of Denton, Texas, convened in a meeting, on Wednesday, December 5, 2018, at 5:30 p.m. in the City Hall Conference Room, at City Hall, 215 E. McKinney Street, Denton, Texas.

PRESENT: Jesse Davis, Chair, Karen McDaniels, Lara Tomlin, and David Zoltner.

STAFF PRESENT: Aaron Leal, City Attorney, Umesh Dalal, City Auditor, and Theresa Jaworski, Executive Assistant.

COUNCIL MEMBERS: Mayor Chris Watts and Council Member John Ryan.

OTHERS: Pati Haworth and Peggy Heinkel-Wolfe.

Upon determining that a quorum of the Panel was present, Board Chair Jesse L. Davis, called the meeting to order at 5:30 p.m. Panel Members for this meeting were Jesse Davis, Lara Tomlin, and David Zoltner, Vice Chair of the Board of Ethics.

ITEM FOR CONSIDERATION

1. Ethics Complaint No. 18-002, filed November 19, 2018, concerning alleged violations of Ethics Ordinance Section 2-273(e), (f), and (h)(2).

Davis offered to be the presiding officer for this meeting.

Complaint, 18-002 is from Randy Hunt against Mayor Chris Watts. This Complaint revolves around the November 13, 2018, meeting and takes into account some development and property ownership on South Bonnie Brae and some suggestions from the San Antonio Code of Ethics.

Davis addressed the first question. “Is Christopher Watts a City official to whom the Ethics Ordinance applies?”

The Panel members agreed.

Davis followed with the second question. “Does the Complaint set forth factual allegations that if true, shows that Christopher Watts used his official title or position in violation of the listed circumstances set out in Ethic’s Ordinance Section 2-273(e), improper influence?”

Lara Tomlin stated there was nothing stated by the complainant in this Complaint that would fall under Section 2-273(e).
David Zoltner stated there was no action posted on the agenda for that meeting. To suggest that there is a conflict of interest or rule violation where there was not action item posted is a problem. To suggest that one could not discuss that which is not even going to be voted on raises some serious first amendment issues.

Davis also noted the absence of any factual allegations that accuse the Mayor actions outside of his duties and asked any member of the Panel that believes there is any a factual allegation that if true, shows that Christopher Watts used his official title or position to do any of those things listed out in the Code under improper influence.

Panel found no factual allegations that Christopher Watts used his official title or position to do any of those things listed out in the Code under improper influence.

Davis asked the Panel the next question, “Does the Complaint set forth factual allegations that if true, shows that Christopher Watts used confidential information to which he had access by virtue of his official capacity, to advance any personal or private financial interest of any Person.

Davis asked the Panel if there are any factual obligations in this Complaint that shows the Mayor used confidential information to advance any personal or private interest.

Panel Members all agreed there are no factual obligations in this Complaint that shows the Mayor used confidential information to advance any personal or private interests.

Davis addressed the next question, “Does the Complaint set forth factual allegations, if true, which shows that Christopher Watts intentionally, knowingly or recklessly disclosed confidential information gained by reason of his official position concerning the property operations, policies or affairs of the City.

Panel Members agreed that there are no factual obligations that shows Mayor Watts intentionally, knowingly or recklessly disclosed confidential information gained by reason of his official position concerning the property operations, policies or affairs of the City.

Davis and Panel Members reviewed the next complaint on the abuse of resources.

Davis pointed out the reference in this Complaint as “the appearance of evil related as the abuse of resources.” In an effort to understand the point of this Complaint as abuse of resources, under the Code 273-3(g), the question would be, does the Complaint set forth factual allegations, if true, which shows that Christopher Watts used, requested, or permitted the use of City facilities, personnel, etc., for private purposes, except in the ways that any member of the public is allowed to?

Davis asked the Panel Members if there is any indication in the Complaint that alleges abuse of resources.

Panel Members agreed that there were no indications that Mayor Watts abused City resources.
Davis moved to the question, “Does the Complaint set forth factual allegations, if true, which shows that Christopher Watts interfered with a criminal or administrative investigation, alleging abuse of this article. This appears to allege the abuse of the position of mayor but not in such a way that interferes with a criminal or administrative investigation that the Mayor could have interfered with.

Panel Members agreed that there were no facts presented that would suggest any abuse of the position of mayor.

The Panel discussed the ordinance and assertions of an actual vote by the Mayor that involved any gain whatsoever on 2315 Willowood.

The Panel reviewed the information on the 2315 Willowood, discussed the application of the Ordinance Code to direct ownership interests and direct benefits the Mayor may have received, and the vague allegations made in the complaint.

Davis made a motion that Complaint No. 18-002 is a baseless complaint. Lara Tomlin seconded the motion. Motion passed unanimously.

Meeting adjourned.