

811633973

First Name: Olivia
Last Name: Overturf
Phone Number: [REDACTED]
Email: [REDACTED]

Do you want remain anonymous? : No

How did you learn about this reporting form? : repeated violations reported

What caused you to report this to us at this time? : Multiple severe violations occurred during Ethics Hearing on May 12, 2021 and must be addressed immediately

These events or circumstances could represent a violation of:
Other

If other, please explain briefly: Meeting rules of quorum were violated/meeting chair displayed impartiality/overall violation of 2-7-1- Declaration of City Policy

Describe the event(s) or circumstance(s): During the Ethics hearing on May 12, 2021 to which I was the complainant(Overturf v. Madison), there were several issues with the Commission quorum(a quorum of 6) that took place. On more than one occasion , Commissioner Debra Danburg vacated her seat during the live broadcast meeting, while the hearing was in effect violating City Code 2-1-6 Quorum and Action(E) and 2-1-43 (B). At no time did Chair Soberon stop the hearing. Furthermore, to no fault of her own, Commissioner Stanton had technical difficulties which also caused a breach in active and live quorum members during the meeting, which again, Chair Soberon did not stop the hearing . This also violates Rules of Order B(1)(2). Chair Soberon further displayed his lack of impartiality by pleading with the Commission , that the Commissioners"come with me on this motion"..(sic). Furthermore , commissioner Danburg made a Motion to Postpone the hearing over one hour after the hearing commenced so the Commission could" get a much better communication of our duty". There were two motions to postpone this particular hearing , which was already well in progress at the time of the motions. The multitude of violations that occurred at this Ethics Hearing violate the city's overall policy 2-7-1 Declaration of Policy(A)(B)(1)(2).

Date(s) this occurred: May 12, 2021

Location(s) this occurred: Ethics Hearing of May 12, 2021

Who do you believe acted wrongly?: Commissioner Debra Danburg
Ethics Commission Chair Luis Soberon

Who else can support your description or provide additional information?: City legal in attendance of the meeting Outside Counsel, Steve Sheets All other Ethics Commissioners that were in attendance of said hearing

Please upload any files that support your allegation:

https://s3.amazonaws.com/files.formstack.com/uploads/3531767/81435960/811633973/81435960_violation_of_quorum_during_meeting.pdf

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identified in its adopted meeting schedule and bylaws, more often than once a quarter, unless the unscheduled meeting is required to comply with a statutory deadline or a deadline established by Council.

- (B) Each board shall comply with Government Code Chapter 551 (*Open Meetings Act*). All members necessary to provide a quorum must be physically present at a meeting to conduct business.
- (C) A board may not conduct a closed meeting without the approval of the city attorney.
- (D) Each board meeting agenda shall provide for citizen communication.
- (E) A board liaison shall submit a meeting agenda through the city's on-line agenda posting system for each meeting.
- (F) The city clerk shall post each board meeting agenda and keep a record of postings for all board meetings.
- (G) Each board and each committee shall keep and post minutes of its meetings on the designated on-line system. The minutes



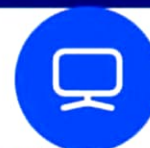
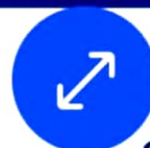
Ethics Review Commission

2B Preliminary Hearing -

A complaint filed by Olivia Overturf vs. Mayor Pro Tem



5.1.2021 | 8.05 am 1:05:40 / 3:16:18 1x



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▶ **CALL TO ORDER**

▶ **CITIZEN COMMUNICATION: GENERAL**

▶ **1. EXECUTIVE SESSION**

▶ **2.(b) A complaint filed by Olivia Overturf against Mayor Pro Tem Natasha Harper-Madison, which complaint alleges violation of City Code Chapter 2-7 (Ethics and Financial Disclosure) Section 2-7-62 (Standards of Conduct) subsection (B).**



Ethics Review Commission

A Complaint filed by Olivia Overturf vs. Mayor Pro Tem

1:23:55 / 3:16:18



5/1/2021 | 8:23 am

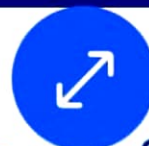
1:23:55 / 3:16:18



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Ethics Review Commission

Meeting -

A complaint filed by Olivia Overturf vs. Mayor Pro Tem



5.11.2021 | 8:45 am

1:44:07 / 3:16:18

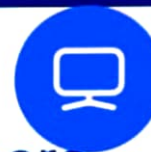
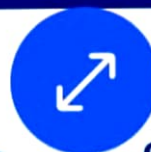


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board, six board members constitute a quorum.

- (B) Except as provided by subsection (C), a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum. For an 11 member board, a board action must be adopted by an affirmative vote of six board members.
- (C) If a board has 14 or more voting members, and if a quorum is present, board action may be taken by the lesser of:
 - (1) an affirmative vote of the number of members necessary to provide a quorum; or
 - (2) an affirmative vote of two-thirds of the members present at a meeting.
- (D) Subsection (C) does not apply to a board that has more than 14 members solely because the board has alternate members or more than one panel.
- (E) All members necessary to provide a quorum must be physically present at a meeting to conduct business.
- (F) An ex officio member of a board that is subject to the requirements of this chapter may participate at board meetings, but may not vote or bring a motion and does not

ARTICLE 1. - GENERAL PROVISIONS.

§ 2-7-1 - DECLARATION OF POLICY.

- (A) It is the policy of the City that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all City officials and employees is adopted.
- (B) This code has the following four purposes:
- (1) To encourage high ethical standards in official conduct by City officials and employees;
 - (2) To establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the City;

course developed by city staff not later than the 90th day after the date of the member's appointment or reappointment. The training shall include:

- (1) a review of a board member's personal and ethical responsibilities;
 - (2) the role of council and staff and the council-manager form of government;
 - (3) the role of advisory boards in making recommendations and advising council;
 - (4) board procedures, including attendance and quorum;
 - (5) the City's business planning process;
 - (6) Government Code Chapter 551 (*Open Meetings Act*), Robert's Rules of Order, and Americans with Disabilities Act requirements;
 - (7) conflict resolution; and
 - (8) the use of a City e-mail account for board-related business.
 - (9) sexual harassment and diversity training.
- (C) A board member who does not comply with the training requirement prescribed by Subsection (B)(8) does not vacate the board member's position but is subject to the prohibition of Subsection (C)(3) of [Section 2-1.49 \(Communications Using Electronic](#)