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Subject: Teri Adams vs Hanna Cofer
Date: June 6, 2023 at 9:58 PM
To: ken@theaustinbulldog.org



Thank you all for being here tonight. I appreciate your time and attention to this matter. My name is Teri Adams, I represent myself as a private citizen.

The Zilker Park vision plan is extremely controversial. One of the most controversial proposals is the inclusion of an umbrella nonprofit partner for Zilker Park to act as the single point of contact between the city parks department and nonprofits and parks concessions. This feature of the plan was never mentioned in public outreach and was not included in public meetings or informational pop ups conducted to inform the public of the Zilker Park Vision Plan.

As you may know, the city parks department utilizes a non-profit public partnership management strategy. Currently, there are a number of nonprofits with city contracts to operate in public parks. Full partners have the opportunity to realize earned revenue from operating and administering concessions, charging fees for programming and special events, and other revenue opportunities.

These are considered "A" level partnerships.

Nonprofits under the partnership A designation are required to have robust professional accounting practices including annually audited financial statements and audits submitted within 6 months after the end of the fiscal year.

An organization's governance practices are to be reviewed annually by the parks director. A review is to include a conflict of interest policy, and disclosure to the public of the three most recently filed annual returns with the IRS.

The Trail Conservancy is one such A level parks partner. They negotiate and execute partnership agreement contracts with the city for the operations, maintenance and programming of the Hike-and-Bike Trail at Town Lake Metropolitan Park.

The Trail Conservancy raises funds for the trail, and they have the opportunity to earn income from their operations. They may receive money from the city to operate and maintain the trail. We don't know, because the Trail Conservancy fails to comply with governance practices that require financial disclosures to the public.

On the night of the Environmental Commission meeting, I was aware of the Trail Conservancy's participation in a group of nonprofits and park concessionaires that banded together to collectively advocate for features in the plan which would benefit their individual organizations called the Zilker Collective Impact Working Group, or the Collective for short.

Although they weren't the only organized entity that received an audience with the design team, the Collective's wish list was what ended up codified in the plan. Specifically: parking garages, a land bridge, a new Hillside amphitheater, several new bridges over ladybird lake and Barton creek, and a new welcome center.

A few days before the Environmental Commission meeting to review the Zilker park vision plan, the Collective announced itself as a formalized umbrella nonprofit organization, Zilker351.

The Trail Conservancy was listed among 15 other organizations as founding members of Zilker351.

At the Environmental Commission meeting, during public communication, Ms. Cofer was asked what her day job was. I was shocked when she responded that she was the COO of the Trail Conservancy.

Reflexively, I spoke up from my seat, "Why aren't you recusing yourself?" She didn't have to respond, my question wasn't officially recognized by the chair.

However, she replied "Zilker park is not in our domain."

Though the trail runs through Zilker Park, the Hike and Bike Trail is considered part of Town Lake Metropolitan Park.

However, as the Chief Operating Officer, I would assume Ms Cofer would be aware the Trail Conservancy was a member of the Collective and a founding member of Zilker351, and that the CEO of her organization, Heidi Anderson, is on the Zilker351 board of directors.

Since she is the daughter of George Cofer, its possible she knew her father was a collaborator in the Collective on behalf of the Hill Country Conservancy, a founding member of Zilker351.

As the spouse of James Russell, Ms Cofer was probably aware of the fact her husband is the event manager of the ABC Kite Festival, and represented them in the Collective and the Zilker351 Advisory Board. Mr Russell is also listed on the Zilker351 website as having represented the Umlauf Sculpture Garden + Museum, where he is chair. This is in addition to his role as Executive Director of the Trail of Lights Foundation, which he also represented in the Collective and on the Zilker351 Advisory Board.

All of the organizations represented by Mr. Russell are founding members of Zilker351. None of them have public financial disclosures posted on their respective websites.

The Environmental Commission voted to recommend the Zilker Park Vision Plan 9-1 and Ms Cofer voted to recommend

The Environmental Commission voted to recommend the Zilker Park Vision Plan 0.1 and Ms Cofer voted to recommend it. Before the resolution was passed, a long series of amendments was motioned. One was to remove the extremely unpopular new amphitheater from the Great Lawn. This is one of the least desired features of the vision plan according to public feedback. The motion to recommend removing it from the plan failed, and Ms Cofer cast the deciding vote.

According to the Austin Texas Code of Ordinances, section 2-1-24, Conflict of Interest and Recusal, section (B), at each meeting, a board member shall sign an attendance sheet and shall indicate that the board member has no conflict of interest related to any item on the agenda or the number of an agenda item for which the board member has a conflict of interest. Section (E) states failure to comply will result in that member being counted absent and any vote cast by a member who fails to comply will not be counted at the board meeting at issue.

No attendance sheet was signed for the April 5th meeting by Ms Cofer, or any of the Environmental Commissioners. The meeting minutes show no recusals. If the city clerks office is no longer requiring sign in sheets for attendance and recusals, the city code should be updated to reflect this change.

However, regardless of the status of this city code, state local government code chapter 171, Regulation of conflicts of interest of officers of municipalities, section 171.002, states a local public official is considered to have a substantial interest if funds received by the person from a business entity exceed 10% of the person's gross income from the previous year. A local public official is also considered to have a substantial interest under this section if a person related to the official in the first degree by consanguinity or affinity has a substantial interest under this section.

Under section 171.004 it says In the case of a substantial interest in a business entity, the official shall file, before a vote or decision on any matter involving the business entity, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter in the case of a substantial interest in a business entity that is distinguishable from the effect on the public. These requirements are found as well in city of Austin code 2-7-64, Disclosure of Conflict of Interest.

To my knowledge, no affidavit was filed by Ms Cofer, and in the meeting minutes no public disclosure of a conflict of interest was read into the official record.

The question of direct financial conflict of interest is possible in this case. I need the assistance of the ethics committee to access financial records for the relevant organizations which Ms Cofer has known relationships: the trail conservancy, the hill country conservancy, the Friends of the ABC Kite Fest, the Umlauf Sculpture Garden + Museum, and the Trail of Lights Foundation.

I'm asking this body to use subpoena power to look into the financial ties Ms Cofer has to these organizations, including the required public statement of financial information for Ms Cofer under city code 2-7-75 . At a full hearing I'm prepared to submit evidence that Ms Cofer, her husband, James Russell, and her father, George Cofer were apprised of the internal workings and active participants in the Collective, now Zilker351.

In addition, in her role as COO of the Trail Conservancy, Ms Cofer is a corporate officer of a nonprofit entity that enters into negotiations and contracts with the parks department, which is party to the Zilker Park Vision Plan. This violates city code 2-7-63 section B.

Ms Cofer's interest is not remote nor incidental, such as a member of the Trail Conservancy would have, or a member of the public who participated in an event sponsored by the Trail Conservancy. The benefit to her organization, and potentially to her personally, required her recusal from participation on the issue of the Zilker Park Vision Plan. There are reasonable grounds to believe that a violation may have occurred. I hope you will agree and move this matter forward to a full hearing.