



# AGENDA

ETHICS AND CAMPAIGN  
REVIEW BOARD  
AUGUST 19, 2021  
3:00 PM  
ATTEND VIRTUALLY

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## SPECIAL PROCEDURES FOR ETHICS AND CAMPAIGN REVIEW BOARD MEETING HEARING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the need to incorporate technology and practices to re-institute in-person meetings consistent with the limitations established by the Order, the Ethics and Campaign Review Board meeting will be conducted virtually.

Viewing: Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this meeting will also remain available for viewing at any time on the City's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. Staff is available to help members of the public access pre-recorded meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

Public Comment: To provide public comment prior to the meeting, please click the virtual "comment" button next to the meeting at <https://santafe.primegov.com/public/portal>. To provide live public comment you must join the Zoom meeting by internet or phone, as follows:

Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm.gov.zoom.us/j/95429135489?pwd=ekdzYU9ncUt3L2lrQ08vWWt1bkxzdz09>

**Passcode: 126881**

Attendees should use the "Raise Hand" function to be recognized by the Chair to speak at the appropriate time.

Phone: To join the Zoom meeting using a phone, use the following phone number: 1 (346) 248-7799

**Webinar ID: 954 2913 5489**

**Passcode: 126881**



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Phone attendees should press \*9 to use the “Raise Hand” function to be recognized by the Chair to speak at the appropriate time.

Agenda: The agenda for the meeting will be posted at <https://santafe.primegov.com/public/portal>.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**
  - a. Ethics and Campaign Review Board Meeting – June 17, 2021
5. **DISCUSSION AND POSSIBLE ACTION**
  - a. **Case #2021-1.** Complaint Brought Forward by Alexis Martinez Johnson – In Accordance with Section 6-16.4 SFCC 1987 “Determination of Legal Sufficiency; Setting a Hearing.” Consideration of Whether the Complaint Sets Forth Legally Sufficient Facts Which, if True Show Probable Cause to Believe There Was a Violation. (The Board May Go Into Executive Session Under NMSA 1978, Section 10-15(H)(3) to Deliberate in Connection with an Administrative Adjudicatory Proceeding.)
    1. Discussion of Actions.
    2. Action Regarding Whether the Complaint Sets Forth Legally Sufficient Facts, Which, if True, Show Probable Cause to Believe There Was a Violation.
    3. Action on Any Steps as Permitted Under Section 6-16
  - b. Discussion of Recommendation of Legislation Amending Ordinance 9-1-7(F) to Adopt the Secretary of State’s Rules for Resolving Tie Votes in Rank Choice Voting Elections.
  - c. Discussion of the 10th Circuit Opinion in *Rio Grande Foundation v. the City of Santa Fe*, Case No. 20-2022.
6. **MATTERS FROM STAFF**



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7. **MATTERS FROM THE COMMITTEE**
8. **MATTERS FROM THE CHAIR**
9. **NEXT MEETING: No Meeting Scheduled**
10. **ADJOURN**

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

**INDEX OF THE CITY OF SANTA FE  
ETHICS AND CAMPAIGN REVIEW BOARD MEETING  
August 19, 2021**

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ROLL CALL	Quorum Present	1
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<b>DISCUSSION &amp; POSSIBLE ACTION</b>		
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b) Resolution of Ties Votes Legislation	Recommended Approval	8-9
c) Rio Grande Foundation Case	Discussion	9-10
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**MINUTES OF THE CITY OF SANTA FE  
ETHICS AND CAMPAIGN REVIEW BOARD  
THURSDAY, AUGUST 19, 2021 @ 3:00 P.M.**

**1. CALL TO ORDER**

A meeting of the City of Santa Fe Ethics and Campaign Review Board was called to order on the above date by Justin Miller, Chair, at approximately 3:05 p.m. at a virtual meeting on Zoom at <https://www.youtube.com/watch?v=XC5KvDrXssg&t=47s>.

**2. ROLL CALL**

Roll call indicated the presence of a quorum as follows:

**Members Present:**

Justin Miller, Chair  
Judith Amer  
Paul Biderman  
Ruth Kovnat  
Tara Lujan  
Kristina Martinez

**Members Absent:**

One vacancy

**Staff Present:**

Kristine Mihelcic, City Clerk  
Marcos Martinez, Assistant City Attorney

**Others Present:**

Melissa Byers, Stenographer

Member Martinez said she received a text that there are people in the waiting room that needed to be let in.

Clerk Mihelcic confirmed with Chair Miller that everyone should be let into the room.

**3. APPROVAL OF AGENDA**

**MOTION:** Member Kovnat moved to approve the agenda as presented. Member Biderman seconded the motion.

**VOTE:** The motion passed by roll call vote with Members Amer, Biderman, Kovnat, Lujan and Martinez voting in favor and none voting against.

**4. APPROVAL OF MINUTES:** June 17, 2021

Member Kovnat asked that the word “not” be inserted to the following sentence in Section 5A: “Marcos Martinez said he did not have anything.”

**MOTION:** Member Kovnat moved to approve the minutes of June 17, 2021, as amended. Member Amer seconded the motion.

**VOTE:** The motion passed by roll call vote with Members Amer, Biderman, Kovnat, Lujan and Martinez voting in favor and none voting against.

**5. DISCUSSION AND POSSIBLE ACTION**

- a. **Case #2021-1. Complaint Brought Forward by Alexis Martinez Johnson – In Accordance with Section 6-16.4 SFCC 1987 “Determination of Legal Sufficiency; Setting a Hearing.” Consideration of Whether the Complaint Sets Forth Legally Sufficient Facts Which, if True Show Probable Cause to Believe There Was a Violation. (The Board May Go Into Executive Session Under NMSA 1978, Section 10-15(H)(3) to Deliberate in Connection with an Administrative Adjudicatory Proceeding.)**

Chair Miller asked if the representatives and respondents were present.

Alexis Martinez Johnson, the complainant, identified herself as being present.

Kate Ferlic said she represented the respondent, the Alan Webber for Mayor Campaign.

Member Martinez said she was recusing herself from consideration of this complaint because her partner, Kate Ferlic, is representing Mayor Webber.

**1. Discussion of Actions.**

Chair Miller explained that the Complaint before the Board alleges that the Alan Webber Campaign violated the Code of Ethics or the Election Code by utilizing taxpayer events and coordinating taxpayer resources to promote his personal mayoral campaign via campaign email distribution. The Complaint centers on the Campaign’s email Campaign's email promoting what was called “Santa Fe Cooldowns.”

The Complaint was submitted on July 15, 2021. The respondent was notified of the Complaint and was given the prescribed period of time in which to submit a written response. The respondent filed a response in the form of a motion to dismiss which was provided to the Board on August 11, 2021. He said there were no other documents in the record.

He said the initial step is for the Board to determine the legal sufficiency of the complaint. The Board must dismiss the Complaint if: (1) it was filed too late as in one year after the events complained of occurred; (2) if it does not state a violation of the Code of Ethics, the Campaign Code or the Public Campaign Finance Code; (3) if it was frivolous or was filed solely to harass or intimidate; or (4) if the Board lacks jurisdiction to hear the Complaint. If the Board dismisses the Complaint at this stage, then the matter is resolved. If the Board does not dismiss the Complaint, then the Board will proceed to a hearing.

He said each party would be allowed an opportunity to speak.

Member Biderman confirmed with Chair Miller that questions could be asked of the persons presenting their sides.

Chair Miller asked Ms. Martinez Johnson to address the Board.

### **Alexis Martinez Johnson Statement**

Ms. Martinez Johnson introduced herself to the Board. She said she is a citizen of Santa Fe and is running for the mayoral position. She said it is entirely okay for the Mayor to participate in any City function and it is entirely okay for the Mayor to disseminate information to the entire city. As the Mayor, there's nothing wrong with that.

She said the subject matter at hand is whether the Mayor can utilize a campaign email and his campaign logo, paid for by Alan Webber and send it to all of his supporters saying that he's going to be with the firefighters at a City event. That implies that the firefighters and the optics surrounding this is a collaboration between taxpayer-funded employees and resources with a campaign.

She said what should have happened is the Mayor should have disseminated the information city-wide, not through his campaign email. This not only produces optics, but it also produces a situation where taxpayers are under the impression that there's some type of collaboration and whether the firefighters support or do not support Mayor Alan Webber. He provided the information to his supporters that it is a campaign function. She said this is something on an ethical view that we need to be cognizant of.

She said as a public servant, you are called to a higher standard. This creates a situation where there is inequity. She asked the Board to not dismiss the case. She said she was unaware that there is any type of any statute or ordinance or stipulation that addresses this function from a public official, collaborating or utilizing campaign resources with the City and City employees.

She asked that the Ethics Board understand that this campaign is a grassroots effort. It represents the voice of many New Mexicans. She said if the Board dismisses this case, it is dismissing the voice of many New Mexicans who are unable or do not have the political resources or the legal services to bring about a voice.

She said the Webber Campaign can easily dismiss this case because they're able to obtain legal services to erase the New Mexican voice. She thanked the Board for their time and asked them to make sure that this race is run in an equitable fashion.

Chair Miller thanked Ms. Martinez-Johnson and recognized Ms. Ferlic to speak on behalf of the respondent.

### **Alan Webber Campaign Response**

Ms. Ferlic said Ms. Martinez-Johnson admitted she does not know what provision of the Ethics Code the Complaint was violating; therefore, Ms. Ferlic said this complaint should be dismissed. She filed a response with the Board, but the Board can dismiss the complaint for basically one of or all three reasons.

First, it is deficient on its face as it doesn't meet the standards prescribed by the ordinance that governs complaints. The plain language of the law requires dismissal of this complaint.

Second, the Board's rules of organization and practice unequivocally require dismissal of the complaint. These are rules that this Board promulgated to govern the way that these complaints are supposed to be heard and considered.

Third, as explained in the motion to dismiss due process concerns mandate the dismissal of the complaint.

She said under City Ordinance 6-16.2, the Board is charged with enforcing the provisions of the Code of Ethics, the Campaign Code, and the Public Campaign Finance Code. The Board has a set of procedures to follow and laws to comply with. Those procedures and the plain language of the law necessitate dismissal of the complaint.

She said that Ms. Martinez Johnson has spoken of her mayoral campaign and spoken of a vague alleged violation without being able to specify it. She read Section 6-16-3 of the City ordinance which governs complaints. The second sentence states: "*The complaint shall state the specific provision which has allegedly been violated*" and then "*and the facts which the complainant believes support the campaign.*"

Ms. Ferlic referenced Section 3 of Ms. Martinez Johnson's complaint where the complaint form asks for which specific provision of the Code of Ethics or Election Code you believe has been violated. Ms. Martinez Johnson wrote "*For ethics review board to determine.*" On its face the complaint violates the ordinance and on its face this complaint is deficient because it does not state a claim.

She then referred to the Board rules and stated that within the authority granted to the Board by ordinance, the Board promulgated rules that govern how hearings will

proceed. This is a preliminary step in the process to determine if the complaint is legally sufficient to proceed. But under no uncertain terms the Board's rules of organization require that complaints state a particular provision of the Code of Ethics, the Campaign Code, or the Public Campaign Finance Code. Those rules unequivocally require the Board to dismiss the complaint. Under Section (D)(4)(b) the Board can consider appropriate submittals by the parties. The rules provide that they shall dismiss the case if the complaint does not state a violation. The Board does not have discretion to hear the complaint, The only action the Board can take is dismissal because the rules and the ordinance require a valid complaint.

Ms. Ferlic finished up by talking about due process. She said the complaint should be dismissed because allowing it to proceed would violate the campaign's right to due process under the U.S. Constitution and the New Mexico Constitution. The right to due process ensures that judicial or in this case a quasi-judicial body need a basic level of fairness in their procedures. So, without stating a claim, first, Ms. Martinez Johnson is attempting to deny the respondent to meaningfully respond and second is that the right to due process requires that there be an impartial tribunal. When a body such as this Board acts as the decision maker, impartiality is an essential guarantee of due process. The complainant has asked the Board to act as both prosecutor and judge and that is inappropriate. It's not only inappropriate for Ms. Martinez Johnson to ask the Board to fill in the gaps of her complaint, it's impermissible for the Board to actually do so. The only permissible remedy is for the Board to dismiss the complaint.

### **Board Discussion**

Chair Miller asked the Board members if they had any questions for the Complainant or the Respondent.

Mr. Biederman asked the Respondent's attorney how she would you respond to the idea that describing conduct that allegedly violates certain provisions of the Ethics Code, even though the Complainant has not actually designated that section, that it would satisfy the requirement.

Ms. Ferlic clarified the question with Member Biderman and said for the reasons she had discussed. The Ordinance and Board rules require that a specific provision be referenced. Also Ms. Martinez Johnson is asking the Board to take a set of facts and then try to find a violation. That's a violation of due process because it forces the Board to then become a prosecutor in this process rather than the impartial decision makers that they should be.

Following up, Member Biderman said that suppose someone files a complaint in Magistrate Court alleging a breach of contract but doesn't know the term "breach of Contract." Looking at the forms that are approved by the State Supreme Court, that complainant isn't ruled out just because the magistrate judge has to identify what the law is. He said this Board in a position of being more akin to a people's court as the magistrates like to refer to themselves than it is to a more formal proceeding such as a higher level of court.

Ms. Ferlic said this is like a (12)(b)(6) motion for a failure to state a claim. Ms. Martinez Johnson hasn't made a claim. She doesn't know that the Board knows what Ms. Martinez Johnson is alleging Mayor Webber violated.

Member Lujan called for a point of order. She stated that Ms. Ferlic is stating an opinion and not sticking to the facts.

Member Amer asked Ms. Ferlic if she thought this body has the authority to dismiss the Complaint without prejudice and ask the proponent to amend the complaint and refile.

Ms. Ferlic said that would be up to the Board. The Ordinance and Board rules require outright dismissal.

Member Lujan asked if statutes exist, is that not enough for us to act? She said she understood Ms. Ferlic's argument is with due process but if this already does exist are we being negligent by not making a ruling but giving an opinion which is under our scope as a Board to give Ms. Martinez Johnson, Mr. Chair?

Chair Miller said he understood that to be a comment rather than a question and if he was correct.

Member Lujan said partially a comment. She said she is the only member on the Board that is not a lawyer. Looking at the evidence and the facts should the Board give an opinion rather than ruling? She understands that the Board doesn't get into the confines of due process. She understands their arguments and she is at odds with it because this rule exists and if we don't act upon it, are we acting correctly and in the best interest of the public?

Member Kovnat said she's been troubled by the complaint and the able argument of the respondent. The argument convinces her that the complaint be dismissed, but without prejudice. That would give the Complainant the opportunity to amend the complaint or file a new complaint that complies with our rules of procedure

Member Amer said she agreed with Member Kovnat. The Respondent makes a very persuasive argument about a due process, and she agreed that it would infringe on the Board's impartiality for the Board to be framing what the potential statutes are that were violated. She also agreed with Member Kovnat that the proper thing to do in this case would be to dismiss it without prejudice and allow the Complainant to comply with the ordinances regarding pleading of complaints and specify which sections that the Complainant believes were violated.

Member Biderman said he was inclined to think that there's enough stated in the complaint from a layperson. He didn't think the Board had to worry about due process in these circumstances because the Supreme Court has already approved magistrate complaints that are less detailed than this as a form and if the Supreme Court wouldn't approve something that deploy people due process. He suggested that the Board go into

executive session to deliberate this among the Board as entitled to under the Open Meetings Act.

**MOTION:** Member Biderman moved to go into executive session. Ms. Lujan seconded the motion.

Member Amer said that the section of the Open Meetings Act needs to be cited in order to go into executive session.

Attorney Martinez clarified that the section of the Open Meetings Act is 10-15-1(H)(3) NMSA.

Chair Miller said the motion was to go into executive session pursuant to Section 10-15-1(H)(3).

**VOTE:** The motion passed by roll call vote with Members Amer, Biderman, Kovnat and Lujan voting in favor and none voting against.

At Chair Miller's request, Clerk Mihelcic explained to the Zoom attendees the process for going into executive session.

The Board moved into executive session at approximately 3:50 p.m.

The Board returned from executive session at approximately 4:30 p.m.

Attached hereto as Exhibit "1" are the Executive Session notes provided by Clerk Mihelcic.

**MOTION:** Member Biderman moved that the Board to come out of executive session and return to open session. Member Kovnat seconded the motion.

**VOTE:** The motion passed by roll call vote with Members Amer, Biderman, Kovnat and Lujan voting in favor and none voting against.

**2. Action Regarding Whether the Complaint Sets Forth Legally Sufficient Facts, Which, if True, Show Probable Cause to Believe There Was a Violation.**

Chair Miller said the Board met in executive session for the reasons stated on the agenda, no other items were discussed, and no final action was taken. He asked the Board for continued discussion.

**MOTION:** Member Amer moved to dismiss the Complaint because it did not cite to a specific Code provision that was violated. The motion was seconded by Member Kovnat.

**VOTE:** The motion passed by roll call vote with Members Amer and Kovnat and Chair Miller voting in favor and Members Biderman and Lujan voting against.

Member Lujan explained her vote. She stated that there is a conflict of information in the way that the Board rules are written as opposed to the actual form that is provided to the public. She felt that that is something that needs to be remedied for the Board to have future hearings. There is a conflict of how a lay person interprets what information they need to fill out on that form as opposed to what is stated in technical language through the Board's rules. She said the Board needed to take that into consideration when lay community members, including herself, are filling out forms like this and don't understand the technical terminology and how to even to find it and interpret it. She said that is why she voted the way she did.

Member Biderman said he agreed with Member Lujan, especially about the importance of making our process inviting and easy for lay people to engage in without having to hire counsel to interpret complex provisions in the ordinances.

He added that the Supreme Court has approved some very general statements as to a claim as in the magistrate courts. Those general statements don't require the citation of statutes or case law, even though that might be brought to bear, but rather simply allows for the inference if a set of facts is stated that reflects a violation of the law. Then the role of the court to pick up on that and bring justice. He said that's what the Board is supposed to do so.

He emphasized that while he sees the provisions in the ordinances that are adequately invoked here by the facts that were stated. He said that didn't mean that his mind was made up as to whether those were violated. He was simply saying that a claim was stated not that it was proven.

Member Biderman asked if the motion specified that the case was dismissed without prejudice.

Chair Miller said it did not.

Member Biderman said he believed that was the intention of the members who voted for the motion. He asked if it was correct that the case was dismissed without prejudice.

Chair Miller said he didn't understand that to be part of the motion. He told Member Biderman he could state his thoughts on that.

Member Biderman said he'd leave to the members who voted for the motion to decide that.

Chair Miller said that the matter was concluded.

**b. Discussion of Recommendation of Legislation Amending Ordinance 9-1-7(F) to Adopt the Secretary of State's Rules for Resolving Tie Votes in Rank Choice Voting Elections.**

Member Martinez rejoined the meeting at 4:40 p.m.

Chair Miller said this item has been discussed for the last couple of meetings. There is a draft of the proposed legislation for discussion and possible action as to whether the Board wants to recommend the legislation to the Governing Body.

**MOTION:** Member Biderman moved to recommend approval of the legislation. Member Lujan seconded the motion.

Chair Miller asked Marcos Martinez, Assistant City Attorney, to explain the legislation.

Attorney Martinez said this is another change that Common Cause has recommended the City adopt. They identified the fact that the Secretary of State's Office had adopted a rule that purported to govern all elections that were using rank choice voting. This rule specifically addressed tie votes. The City ordinance also addresses tie votes but creates the appearance of a conflict that he would prefer to avoid having to resolve in the event that the City actually finds itself in a tie under a ranked choice voting election.

He said the stricken language represents the existing City ordinance. It goes back to the time when the City was not employing ranked choice voting. The advantage that the Secretary of State's Office's rule implements how to resolve a tie. The amendment is replacing one definition with another on how to resolve a tie situation.

**VOTE:** The motion passed by roll call vote with Members Amer, Biderman, Kovnat, Lujan and Martinez voting in favor and none voting against.

**c. Discussion of the 10th Circuit Opinion in Rio Grande Foundation v. the City of Santa Fe, Case No. 20-2022.**

Chair Miller asked Attorney Martinez to open the discussion.

Attorney Martinez apologized for not including the opinion but said he would send everyone on the Board the opinion so that it could be discussed at a future meeting, if the Board desires that.

He said the 10<sup>th</sup> Circuit issued an opinion on August 3, 2021, that dismissed the Rio Grande Foundations appeal for lack of jurisdiction. The basis for that lack of jurisdiction was in the 10<sup>th</sup> Circuit's opinion the inability of the Plaintiff to show that they

had standing to sue in First Amendment cases that they characterize as a “Chill Case” where regulation allegedly chills the First Amendment rights of someone who wants to speak about an election-related issue.

The 10<sup>th</sup> circuit relied on a 2006 opinion out of this Circuit called *Initiative and Referendum Institute vs. Walker* which articulated the test or prospective standing required in chilled speech cases. There's basically a three-part test and the opinion focused on the fact that the Foundation had failed to satisfy the third prong of that test which is that they would present a plausible claim that they presently have no intention to speak because of a threat that a statute forbidding that speech would be enforced. In other words, in the case of Rio Grande Foundation, they have not alleged or claimed that they have no intention to speak in future ballot proposition measures because they're afraid that the statute would be enforced. The statute being the disclosure requirement under for independent expenditures and rather what they said was that they do intend to speak and that that should satisfy the standing requirement. In other words, they shouldn't have to be so afraid that they would not speak but for the threat of prosecution.

Attorney Martinez said that was a general overview. He said what has happened since then is that on Tuesday, the Rio Grande Foundation filed a petition for rehearing en banc. On Wednesday, the Court ordered the City to respond to that petition for rehearing. Normally a petition for rehearing would be taken under advisement and the Court would determine if a rehearing was appropriate. Not in this case. They want to give the City an opportunity to respond. So, we're now looking at the petition for rehearing.

He said there may be more developments for discussion in future meetings.

Member Biderman commented that the request by the full Court for briefing from the City is unusual. That might mean that they want to get to the merits now. That doesn't say what the outcome would be if they get to the merits of the case rather than decide to dismiss it on the procedural grounds that they just missed it on the standing grounds. If they do decide to rehear it, we may be getting down to the nitty-gritty of the facts and that might not be a bad thing to resolve hopefully in our favor.

Attorney Martinez said two things might affect the litigation. Some of the amendments that this Board has recommended might change some of the factual allegations that the Rio Grande Foundation is making. For example, they continue to repeat the fact that if you spend a penny (independent expenditure) you're going to have to disclose that. This Board has made a recommendation to the Governing Body that is being considered, which is an amendment to the Code that would raise the expenditure threshold to \$500.00. The law both in terms of the positive law that the City is promulgating and in terms of the case law that is evolving is an interesting area.

Chair Miller followed up by saying that the narrowness of the 10<sup>th</sup> Circuit's opinion really didn't resolve the issues that this Board dealt with in trying to decide about the appropriate limits under the ordinance. The Board's recommendation to the Governing Body and the progress of those changes proceeds and is not really affected by this decision.

## **6. MATTERS FROM STAFF**

There were no matters from staff.

## **7. MATTERS FROM THE BOARD**

Member Biderman said the Board just got a new complaint that has not been responded to.

Chair Miller acknowledged that a complaint was recently filed. He asked Clerk Mihelcic if the respondents have been notified.

Clerk Mihelcic said they notified by email the three organizations, however, for two of those emails, they received a bounce back. So for those two organizations, the complaint was filed and hand delivered. They were also provided the guidebook which dictates the 10-day rule for responding to the complaint.

Member Lujan said we are discussing interpretative information to the public. She just got a question about the first complaint they voted on and whether it could be resubmitted. She just wanted to say yes, it can be resubmitted.

## **8. MATTERS FROM THE CHAIR**

There were no matters from the Chair.

## **9. NEXT MEETING:**

Chair Miller said since the complaints were submitted to the respondents on August 18<sup>th</sup>, according to his calculations a meeting could be scheduled after September 1<sup>st</sup>.

Clerk Mihelcic recommended September 9, 2021, if that is the desire of the Board.

Chair Miller stated that tentatively, the meeting would be scheduled for September 9, 2021.

## **10. ADJOURNMENT**

**MOTION:** Member Biderman moved to adjourn the meeting at 5:00 p.m. Member Martinez seconded the motion.

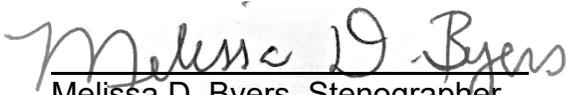
**VOTE:** The motion passed by roll call vote with Members Amer, Biderman, Kovnat, Lujan and Martinez voting in favor and none voting against.

Approved by:

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Justin Miller, Chair

Submitted by:



Melissa D. Byers, Stenographer  
For Byers Organizational Support Services

**Exhibit 1**  
**8/19/21**  
**ECRB Meeting**

Ethics Campaign and Review Board Executive Session

Started at 3:52 p.m.

Ended at 4:28 p.m.

Members Present

Justin Miller

Paul Biderman

Judith Amer

Ruth Kovnat

Tara Lujan

Stephen Ross, Outside Counsel

Marcos Martinez, Assistant City Attorney

Kristine Mihelcic, City Clerk