



**Minutes for Special Meeting of
Monday, May 23, 2005**

Item-1: Call to Order.

Chairwoman Smith called the meeting to order at 5:00 p.m.

Item-2: Roll Call.

Present – Chairwoman Smith, Vice-Chairwoman Leonard, Commissioners Charles H. Dick, Jr., April Riel, Gregory Vega

Staff – Executive Director Stacey Fulhorst, Senior Investigator Lauri Davis, Financial Investigator Dee Dee Alari, and Executive Secretary Katherine Hunt

Excused – Commissioners Larry Westfall and Karen Thomas-Stefano

Item-3: Non-Agenda Public Comment.

None

Item-4: Proposed Retention of Outside Counsel.

Director Fulhorst explained that the purpose of holding a special meeting is to obtain the Commission's approval to retain outside counsel to represent the interests of the Ethics Commission in connection with an ongoing investigation by the Office of the City Attorney concerning a letter of recommendation she wrote for Joyce Lane, Assistant City Clerk.

Attorney Charles La Bella offered to provide his legal services on a pro-bono basis for the Commission.

City Attorney Aguirre expressed his opinion that it would be inappropriate to provide gratis legal services to an Ethics Commissioner or a staff member of the Ethics Commission.

Charles La Bella responded if services were provided to an individual, it would be considered a gift and would have to be disclosed. However, agencies such as cities are allowed to receive pro bono services from lawyers.

City Attorney Aguirre indicated that he believes the provision of pro bono legal services to the Commission as an agency would also be improper and advised the services received would be considered a gift.

Director Fulhorst proposed that the Commission consider voting today on the retention of outside counsel and work out the compensation details of the agreement later.

City Attorney Aguirre objected to Ms. Fulhorst, Ms. Smith, and Ms. Leonard participating in this meeting because they all have individual interests that are implicated. He contended that they should recuse themselves from the meeting and any discussion should take place only among the commissioners not personally involved in the matter.

Commissioner Dick stated he believes the Commission should seek legal advice from outside counsel because the Commission's regular legal counsel is involved in the inquiry and may not be able to provide objective legal guidance. Commissioner Dick requested clarification as to what would be included within the scope of legal representation provided by Charles La Bella.

Commissioner Dick made a motion to authorize retaining Charles La Bella to represent the Ethics Commission on a pro bono basis. He added that the scope of his representation needs to be addressed.

Commissioner Vega seconded the motion.

Commissioner Dick clarified that if Charles La Bella were retained he would be representing the Ethics Commission as a whole and not acting as counsel for any of the three individuals involved in the inquiry. It would benefit the Ethics Commission to receive legal advice concerning the Commission's present and future conduct and direction for how staff should proceed in these matters now and in the future.

Chairwoman Smith repeated the motion to retain Charles La Bella to provide advice to the Ethics Commission regarding this issue, and reiterated that his representation would not be for particular individuals.

Motion: To retain Attorney Charles La Bella on a pro bono basis to advise the
Ethics Commission
Moved/Seconded: Dick, Vega
Vote: Unanimous
Excused: Westfall, Stefano
Abstained: Leonard

Adjournment

The meeting adjourned at approximately 5:35 p.m.

_____, Chair
Ethics Commission

Katherine Hunt
Ethics Commission

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UPON REQUEST.***