



**Minutes for Meeting of
Thursday, January 15, 2009**

Item-1: Call to Order

Vice Chair Valdez called the meeting to order at 5:05 p.m.

Item-2: Roll Call

Present – Vice Chair Richard Valdez, Commissioners Lee Biddle, Clyde Fuller, Krishna Haney, Dorothy Leonard, and Larry Westfall

Staff – Executive Director Stacey Fulhorst, General Counsel Alison Adema, Program Manager Steve Ross, Senior Investigator Lauri Davis, Investigator Kacy Green and Executive Secretary Katherine Hunt

Excused – Commission Chairman Gil Cabrera

Item-3: Approval of Commission Minutes

Approval of Ethics Commission Minutes of December 11, 2008

Motion: Approve
Moved/Seconded: Haney/Westfall
Vote: Carried Unanimously
Excused: Cabrera

Item-4: Non-Agenda Public Comment

None

Item-5: Commissioner Comment

None

Item-6: Executive Director Comment

Director Fulhorst reported on staff educational efforts that included the following changes and updates made by Program Manager Steve Ross:

- Five fact sheets and the Commission's Candidate Manual were updated to reflect the latest changes to the Commission's campaign laws.
- A new Lobbying Manual was published, and several fact sheets were updated on lobbying laws.
- A new fact sheet was prepared that outlines the applicable ethics laws for individuals who are retained as consultants by the City of San Diego.
- Six fact sheets were updated to reflect changes to the City's ethics laws.

She noted that in addition to Steve Ross keeping the Commission up to date with state laws, he alerted City Officials to recent state law changes regarding use of City box tickets and the need to update City Council Policies to conform to the new laws.

Vice Chair Valdez expressed his appreciation to Steve Ross for his efforts with regard to the Commission's education program.

Item-7: General Counsel Comment

Ms. Adema explained the recent change to state laws and how this change will affect the City's current policy regarding the use of tickets by City Officials for the City boxes at Qualcomm Stadium and Petco Park. She advised that formerly, City box tickets did not need to be reported as gifts. Under the newly-revised FPPC Regulation, City box tickets will be subject to laws regarding gift reporting and gift limits unless the City adopts a policy that specifies public purposes for which the box tickets may be used, and the City Officials who use the tickets in accordance with the policy file a specific form each time they use box tickets. Tickets used by City Officials for purposes outside of those enumerated in the new policy will need to be reported as gifts or treated as taxable income.

Vice Chair Valdez asked what would be considered a public purpose for use of the box tickets.

Program Manager Steve Ross clarified that the new FPPC Regulation expressly states that local jurisdictions will determine what constitutes a public purpose.

Item-8: Adjournment to Closed Session

Vice Chair Valdez adjourned the meeting to Closed Session at approximately 5:15 p.m. He stated the Commission would reconvene into Open Session following the conclusion of Closed Session in order to report any action taken during the closed session portion of the meeting.

Reconvene to Open Session

Vice Chair Valdez called the meeting back into open session at approximately 6:05 p.m.

Reporting Results of Closed Session Meeting of January 15, 2009

Vice Chair Valdez reported the results of the Closed Session Meeting of January 15, 2009

Item-1: Conference with Legal Counsel (2 potential matters)

Case No. 2009-01 – In Re: Alleged Gift to City Official in Excess of Limit

Motion: Dismiss
Vote: Carried Unanimously
Excused: Cabrera

Case No. 2009-02 – In Re: Alleged Gift to City Official in Excess of Limit

Motion: Dismiss
Vote: Carried Unanimously
Excused: Cabrera

Item-2: Conference with Legal Counsel (6 potential matters)

Case No. 2008-55 – In Re: Alleged Misuse of Position by City Official

No Reportable Action

Case No. 2008-59 – In Re: Cornerstone Strategies - Alleged Failure to Timely File Lobbying Disclosure Reports

Motion: Ordered a Probable Cause Hearing and Authorized the issuance of a Probable Cause Report and Draft Administrative Complaint. Hearing scheduled for March 20, 2009, at 9:00 a.m.
Vote: Carried Unanimously
Excused: Cabrera

Case No. 2008-60 – In Re: Mitch Mulanix – Alleged Failure to Timely File Lobbying Disclosure Reports

Motion: Approve Stipulation
Vote: Carried Unanimously
Excused: Cabrera

Case No. 2008-63 – In Re: Alleged Solicitation of Campaign Contributions from City Employees

No Reportable Action

Case No. 2008-67 – In Re: Alleged Acceptance of Campaign Contribution in Excess of Limit

Motion: Dismiss
Vote: Carried Unanimously
Recused: Valdez
Excused: Cabrera

Case No. 2008-79 – In Re: Alleged Misuse of Position by City Official

No Reportable Action

Item-3: Conference with Legal Counsel (1 potential matter)

Luis Acle v. City of San Diego Ethics Commission, San Diego Superior Court Case No. 37-2008-00094460-CU-WM-CTL)

No Reportable Action

Item-4: Personnel Matter – Evaluation of Performance

No Reportable Action

Adjournment

The meeting adjourned at approximately 6:10 p.m.

Richard Valdez, Commission Vice-Chair
Ethics Commission

Kathy Hunt, Executive Secretary
Ethics Commission

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.