

**MINUTES OF THE MEETING
CITY OF SAN DIEGO ETHICS COMMISSION**

**November 15, 2001
5:00 P. M.
City Administration Building, 12th Floor
Council Committee Room
202 C Street**

MEMBERS

Dorothy Leonard, Chair
Albert Gaynor, Vice-Chair
Lisa Foster
Charles La Bella
April Riel
Dorothy Smith
Gregory Vega

Agenda Item No. 1 - Call to Order.

The meeting was called to order by Chairperson Leonard at 5:07 p.m.

(Tape location: A001-A004)

Agenda Item No. 2 - Roll Call.

The meeting began with Chairperson Leonard, Vice Chairperson Gaynor, Commissioner Smith and Commissioner Vega present. Commissioner La Bella joined the meeting at 5:35 p.m. Commissioner Vega left the meeting at 6:00 p.m.

(Tape location: A005-A010)

Agenda Item No. 3 - Non-Agenda Comment.

There was no public comment.

(Tape location: A011-A017)

Agenda Item No. 4 - Commissioner Comment.

COMMISSIONER COMMENT 1 - Chairperson Leonard announced that Item S400 on the November 19, 2001 City Council docket regards the appointment of Charles B. Walker as the Commission's Executive Director. Chairperson Leonard requested that Commissioners plan to arrive at the Council meeting by

2:30 p.m., if possible.

(Tape location: A018-A027)

Agenda Item No. 5 - Subpoena Power.

There was discussion regarding the Commission's and Commissioners' roles as advocates for subpoena power in public forums on the issue.

MOTION BY SMITH TO AUTHORIZE CHAIRPERSON LEONARD TO SIGN THE BALLOT ARGUMENT ON BEHALF OF THE ETHICS COMMISSION SUPPORTING THE MARCH 5, 2002 BALLOT MEASURE TO GIVE THE COMMISSION SUBPOENA POWER. Second by Gaynor. Passed by unanimous vote, with Commissioners Foster, La Bella and Riel absent.

(Tape location: A028-A057)

Agenda Item No. 6 - Commission Procedures - Draft Rules and Regulations.

There was discussion about balancing the confidentiality of the investigation and enforcement process, with responsiveness to requests from the public for release of records; and the requirements of the Public Records Act. There was also discussion about protecting the confidentiality of a complainant.

(Tape location: A058-A540)

There was discussion about the length of time involved in the investigation and enforcement process, and expediting the complaint process during the 90-day period preceding an election.

MOTION BY SMITH TO STRIKE THE LANGUAGE "EXCEPT THAT ANY SUCH COMPLAINT RECEIVED WITHIN THIRTY CALENDAR DAYS OF THE ELECTION SHALL NOT BE ACTED ON BY THE EXECUTIVE DIRECTOR UNTIL AFTER THE ELECTION" FROM §26.0422(c) OF THE COMMISSION'S PROPOSED INVESTIGATION AND ENFORCEMENT PROCEDURES. Second by La Bella. Passed by unanimous vote, with Commissioners Foster, Riel and Vega absent.

(Tape location: A541-B340)

It was noted that the Commission has jurisdiction solely over local regulations, and does not have the authority to enforce state laws. Currently, the San Diego Municipal Code includes campaign and lobbyist controls, but does not regulate gifts, conflicts of interest, nor the filing of statements of economic interests. An ad hoc subcommittee consisting of Commissioners Foster and La Bella was formed to draft substantive local regulations for these areas, with participation from Charles Walker, Deputy City Attorney Rick Duvernay and a representative from the City Clerk's Office.

(Tape location: B341-C105)

It was noted that, under §26.0427(d) of the proposed investigation and enforcement procedures, at any time before or during either the probable cause hearing or the administrative hearing, the prosecutor and respondent may propose a stipulated settlement of any or all of the matters at issue in the proceeding.

(Tape location: C106-C124)

There was discussion of clarifying the definition of governmental ethics laws in the proposed investigation and enforcement procedures.

(Tape location: C125- C135)

Agenda Item No. 7 - Commission Calendar.

Commission meetings in 2002 are anticipated on the second and fourth Thursdays of each month, beginning at 5:00 p.m. in the Council Committee Room, until such time as the Commission is able to meet once a month. Meetings are specifically scheduled on January 10, January 24, February 14, February 28, March 14, April 11, and April 25. No meeting is anticipated for March 28.

(Tape location: C136-C181)

Agenda Item No. 8 - Adjournment.

The meeting was adjourned by Chairperson Leonard at 6:45 p.m.

(Tape location: C182-C189)

Dorothy Leonard, Chairperson
Ethics Commission

Bonnie J. Stone
Deputy City Clerk

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