



**Minutes for Meeting of
Thursday, February 27, 2003**

Item-1: Call to Order. (Time: 5:33:38 p.m.)

Chairwoman Dorothy Leonard called the meeting to order.

Item-2: Roll Call. (Time: 5:33:49 p.m.)

Present – Chairwoman Dorothy Leonard, Vice-Chairperson Albert Gaynor, Commissioners Chuck La Bella, April Riel, and Greg Vega.

Staff - Executive Director Charles Walker, Deputy City Attorney Rick Duvernay, Legal Assistant Steve Ross, Investigator Stacey Fulhorst, Executive Secretary DonnaLee McCalla.

Excused – Commissioner Dorothy Smith. (Present at Closed Session)

Item-3: Reporting Results of Closed Session. (Time: 5:33:56 p.m.)

The Closed Session results were reported as follows:

Item 1: Withdrawn.

Item 2: (3 matters)

Case No. 2002-67

Motion: Approve a Settlement Agreement

Vote: Unanimous approval

Abstained: La Bella

Copies were made available to the public.

Case No. 2002-42
Motion: Approve dismissal
Vote: Unanimous approval

Case No. 2002-53
Motion: Approve dismissal
Vote: Unanimous approval

Item-4: Approval of Commission Minutes. (Time: 5:34:25 p.m.)

APPROVAL OF COMMISSION MINUTES OF THE MEETING OF JANUARY 11, 2003 AND JANUARY 23, 2003.
Motion/Second: Gaynor/Riel
Vote: Unanimous approval
Excused: Smith

Item-5: Non-Agenda Public Comment. (Time: 5:34:51 p.m.)

None.

Item-6: Commissioner Comment. (Time: 5:34:55 p.m.)

Chairwoman Leonard announced that the public forum of March 13, 2003, will be a live, televised workshop commencing at 3:00 p.m., in the Council Chambers regarding the Election Campaign Control Ordinance [ECCO]. The next regular meeting will be on March 27, 2003.

The commission is proposing to adjourn the meeting of April 10, 2003. The next regular meeting will be on April 24th, 2003.

It is anticipated that regular meetings occur once a month rather than twice.

Commissioner Comment - Out of Sequence. (Time: 5:44:57 p.m.)

Commissioner La Bella expressed the need to fill the commission vacancy. Chairwoman Leonard responded that a candidate has been chosen, and this position will go before the City Council on March 17, 2003.

Commissioner Vega recognized the newspaper article on Mr. Shapiro. Mr. Vega continued that the commission needs more input from the public. The article highlighted the commission's presence, and helped elevate the commission's profile.

Chairwoman Leonard added that Caitlin Rother, Union-Tribune, is doing an article on the Ethics Commission and its tenure in office. Interviews are currently being conducted and will be published on a date unknown.

Item-7: Executive Director Comment.

(Time: 5:35:50 p.m.)

Executive Director Charlie Walker reported on the following items:

1. On February 27, 2003, the eleventh unclassified training session was completed. There are two sessions remaining with a completion date of March 20.
2. The ethics training for Council District 4 will take place on March 6, 2003.
3. Two substantial parts of the ethics training agenda are complete. The next step is the training of Boards and Commissions which is anticipated to begin in April.
4. The Investigative and Enforcement Procedures will be amended to modify the definition of "City" to include the organizational subdivisions of Centre City Development Corporation, San Diego Housing Commission, and San Diego Data Process Corporation.
5. An estimated 170 individuals were not included in the original ethics training estimates. Due to budget constraints, the commission's executive director and advisory attorney will conduct the trainings.
6. The City Manager has requested that all departments cut their budgets by 3 percent, however, the Ethics Commission was asked to cut its budget by 13 percent.
7. Due to budget constraints, the implementation of the audit procedures and the hiring of an auditor to enforce the procedures are unknown.
8. During the time of the ethics training, part of that training included a review of certain Administrative Regulations [ARs] pertaining to ethics. As a result, some the ARs need updating. The Organization Effectiveness Program [OEP] has requested commission staff to review the ARs and through the commission, present recommendations to the City Manager for changes to bring the ARs up-to-date.
9. Mr. Walker is working in conjunction with the City Attorney's Office, on an Exchange Agreement with other county agencies to provide the commission with outside counsel representation in the event that the Ethics Commission has a potential conflict with the City Attorney's Office.
10. On February 12, 2003, Mr. Walker and Chairwoman Leonard presented to the Rules Committee the proposed changes to the Enforcement Procedures which are required by the Audit Manual, and go before City Council for approval on March 17, 2003.

11. On February 28, 2003, Mr. Walker will be a speaker at Academy 2000, a city-wide program that is being canceled due to budget constraints.

Item-8: Deputy City Attorney Comment. (Time: 5:42:57 p.m.)

None.

Item-9: Ad-Hoc Audit Subcommittee. (Time: 5:43:02 p.m.)

Commissioner Vega reported that the subcommittee's work is complete. A couple of issues were resolved at the Council hearing as follows:

1. There was concern with the language regarding audit pools. The procedure was worded wherein if there are five or fewer audits, they would go into another audit pool. It was decided that even if there was only one committee in a category, that committee would still be audited, and would not be moved into another pool.
2. Commissioner Riel clarified the question of "What is Material" and "What would be a material omission." Upon explanation, it was agreed that the task was an administrative audit and not an investigation. Therefore, the Audit Manual was unanimously approved.
3. With the follow-up of the Enforcement Procedures that will be on the Consent Agenda on March 17, 2003, all of the Commission's new procedures are complete.

Item 10: Ad-hoc ECCO Subcommittee. (Time: 5:46:34 p.m.)

Commissioners La Bella and Riel highlighted the significant changes that were made and new sections that were incorporated with discussion to follow.

1. The subcommittee, in its overall framework, attempted to bring many of the sections to mirror State law.
2. Simple rewording of the Ordinance to make it more user-friendly.
3. Substantive changes were made. Due to lively debate on some of these provisions, the subcommittee is looking to the Commission as a whole, to make some pronouncements on these changes, and look to the public for feedback.

Public Comment: Speaker, Melvin Shapiro presented three concerns: 1) there are several references to the *Enforcement Authority* which is the Ethics Commission. It should simply be stated that the enforcement authority is the Ethics Commission;

2) clarification on the changes to Section 27.2930(d), where all candidates and committees participating in primary and general elections shall file separate campaign disclosures; 3) concerned with Section 27.2932(a) and (b), that the 24-hour disclosure refers to payments to expenditures, but does not seem to refer to contributions.

Commission Discussion: Chairwoman Leonard commented that during the testimony from the public hearing, an item for discussion was the consideration of whether or not to recommend acceptance of organizational contributions and it was mentioned at the ECCO subcommittee meeting, to review the Purpose and Intent under the existing ordinance. It has been suggested that the commission also review the Purpose and Intent and not just accept it.

Organizational contributions will continue to arise and eventually the commission will need to vote on it. In addition, there is an effort taking place to eventually obtain Council approval to adopt the State law instead of amending ECCO.

Ms. Leonard re-announced the workshop that is scheduled on March 13, 2003 as mentioned in Item 6. The Notice will be distributed and placed on the web. The Notice specifies that the proposed ECCO may be obtained on the web or by contacting the office for a copy.

Item 11: Adjournment.

(Time: 6:29:47 p.m.)

Chairwoman Dorothy Leonard adjourned the meeting.

Dorothy Leonard, Chairwoman
Ethics Commission

DonnaLee McCalla, Executive Secretary
Ethics Commission

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