



**Minutes for Meeting of
Thursday, September 11, 2008**

Item-1: Call to Order

Chairman Cabrera called the meeting to order at 5:00 p.m.

Item-2: Roll Call

Present – Chairman Guillermo Cabrera, Vice-Chair Richard Valdez, Commissioners Lee Biddle (arrived after approval of the minutes), Clyde Fuller, and Larry Westfall

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

Excused – Commissioners Dorothy Leonard and Krishna Haney

Item-3: Approval of Commission Minutes

Approval of Ethics Commission Minutes of August 14, 2008

Motion: Approve
Moved/Seconded: Fuller/Valdez
Vote: Carried Unanimously
Excused: Haney, Biddle, Leonard

Item-4: Non-Agenda Public Comment

None

Item-5: Commissioner Comment

Chairman Cabrera wished Vice-Chair Richard Valdez Happy Birthday.

Item-6: Executive Director Comment

Director Fulhorst reminded the Commissioners that they need to turn their microphones on and speak loudly enough in order for their comments to be recorded.

Item-7: General Counsel Comment

None

Item-8: Proposed Amendments to Municipal Lobbying Ordinance

Director Fulhorst reviewed the proposed changes in the draft ordinance that reflect Commission direction provided at the last meeting.

Motion: Approve and forward proposed changes to Rules Committee

Moved/Seconded: Valdez/Fuller

Vote: Carried Unanimously

Excused: Haney, Leonard

Item-9: Proposed Amendments to Election Campaign Control Ordinance

Chairman Cabrera commented that a Public Financing workshop has been scheduled at the Rules Committee. He noted that Larry Remer was in attendance in the event that any of the Commissioners wished to receive his input.

Director Fulhorst added that Mr. Remer was attending the meeting in response to concerns expressed at the last meeting regarding the viability of a proposed qualifying threshold that would require candidates to gather \$5.00 contributions from 500 individuals.

Larry Remer indicated that he as well Common Cause endorsed the 500 contribution threshold. He made the following comments in support of the proposal:

- The 500 contribution threshold would eliminate candidates who don't have sufficient community support.
- Review of past election cycles indicates that the candidates could have qualified with a 500 contribution threshold;
- The proposal includes an option to lower the threshold in the event that it becomes evident that the 500 number is too high.

- One of the important anticipated results of the proposal is that it will ensure that candidates make a connection with the community through the qualifying process.

Commissioner Biddle commented that certain parts of the City may be more challenging than others with regard to gathering 500 contributions.

Jeannie Brown of Common Cause commented that one of the goals of Common Cause was to see one California city incorporate clean elections.

Chairman Cabrera commented that although the Commission would not be coordinating its presentation with any outside organizations, he encouraged interested groups to communicate with Council staff and to make presentations during the public comment segment of the Rules Committee.

Director Fulhorst reported that other changes to ECCO consisting of an additional filing requirement, changes to legal defense fund provisions, and clarification regarding telephone communications were approved by the City Council Rules Committee on September 3, 2008. At the request of Council President Peters, the Committee voted to change the term "Legal Defense Funds" to "Professional Expense Funds." She noted that the approved items would be forwarded on to the full City Council for approval.

Item 10: Proposed Amendments to Investigative and Enforcement Procedures.

Director Fulhorst reported on the Rules Committee's consideration of the Commission's proposed changes. She advised that several recommended changes were referred back to the Commission because the Committee members strongly believe that the full Commission should participate in certain types of decisions such as making probable cause determinations and authorizing hearing subpoenas. She reported that the remaining changes, including the new law regarding providing false information to the Commission, were forwarded on to the full City Council for consideration.

Item 11: Presentation of Final Audit Report Regarding the Audit of the San Diegans for City Hall Reform Committee.

Commission Auditor Rosalba Gomez presented the Final Audit Report and noted that there were no material findings.

Motion: Accept report
Moved/Seconded: Biddle/Valdez
Vote: Carried Unanimously
Excused: Haney and Leonard

Item-12: Adjournment to Closed Session

Chairman Cabrera adjourned the meeting to Closed Session at approximately 5:30 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

Chairman Cabrera called the meeting back into open session at approximately 6:20 p.m.

Reporting Results of Closed Session Meeting of September 11, 2008

Chairperson Cabrera reported the results of the Closed Session Meeting of September 11, 2008:

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

Case No. 2008-57 – In Re: Alleged Unlawful Acceptance of Campaign Contributions from an Organization and Failure to Maintain Campaign-Related Documents

Motion: Initiate Investigation

Vote: Carried Unanimously

Excused: Haney/Leonard

Item-2: Conference with Legal Counsel (21 potential matters)

Case No. 2007-92 – In Re: Alleged Failure to Register as a Lobbyist

Motion: Dismiss

Vote: Carried Unanimously

Excused: Haney/Leonard

Case No. 2008-07 – In Re: Alleged Acceptance of Gift in Excess of Limit

Motion: Dismiss

Vote: Carried Unanimously

Excused: Haney/Leonard

Case No. 2008-14 – In Re: Alleged Acceptance of Gift in Excess of Limit

Motion: Dismiss

Vote: Carried Unanimously

Excused: Haney/Leonard

Case No. 2008-17 – In Re: Alleged Failure to Include “on behalf of” disclosure for Campaign Telephone Communications

Motion: Dismiss

Vote: Passed 4 to 1 with Commissioner Valdez voting nay

Excused: Haney/Leonard

Case No. 2008-30 – In Re: Alleged Failure to File Statement of Economic Interests

No Reportable Action

Case Nos. 2008-27, 2008-32 thru 2008-34, 2008-37, 2008-39, 2008-41 thru 2008-43, 2008-45, 2008-46 – In Re: Alleged Failure to File Statement of Economic Interests

Motion: Dismiss

Vote: Carried Unanimously

Excused: Haney/Leonard

Case No. 2008-28 - In Re: Michelle Butler - Alleged Failure to File Statement of Economic Interests

Motion: Approve Stipulation

Vote: Carried Unanimously

Excused: Haney/Leonard

Case Nos. 2008-29, 2008-51 – In Re: Paul Johnson - Alleged Failure to File Statement of Economic Interests

Motion: Approve Stipulation

Vote: Carried Unanimously

Excused: Haney/Leonard

Case No. 2008-35 – In Re: Louay Yousif - Alleged Failure to File Statement of Economic Interests

Motion: Approve Stipulation

Vote: Carried Unanimously

Excused: Haney/Leonard

Case No. 2008-36 – In Re: Thomas Anglewicz - Alleged Failure to File Statement of Economic Interests

Motion: Approve Stipulation
Vote: Carried Unanimously
Excused: Haney/Leonard

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

Case No. 2007-93 – In Re: Michael Aguirre – Alleged Unlawful Solicitation of Campaign Contributions from City Employees

Approve Stipulation:
Vote: Carried Unanimously
Excused: Haney/Leonard

Adjournment

The meeting adjourned at approximately 6:25 p.m.

Guillermo Cabrera, Commission Chair
Ethics Commission

Kathy Hunt, Executive Secretary
Ethics Commission

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