



**Minutes for Meeting of
Thursday, December 9, 2010**

Item-1: Call to Order

Commission Chair Westfall called the meeting to order at 5:00 p.m.

Item-2: Roll Call

Present – Commission Chair Larry Westfall, Vice-Chair Lee Biddle, Commissioners Faye Detsky-Weil, Clyde Fuller, William Howatt, Jr., John O’Neill, and Attorney Lisa Foster

Staff – Executive Director Stacey Fulhorst, Program Manager Steve Ross, Senior Investigator Lauri Davis, Auditor Rosalba Gomez, and Executive Secretary Kathy Hunt

Excused – Commissioner Bud Wetzler

Item-3: Approval of Commission Minutes

Approval of Ethics Commission Minutes of November 18, 2010

Motion: Approve
Moved/Seconded: O’Neill/Howatt
Vote: Carried Unanimously
Excused: Wetzler

Item-4: Non-Agenda Public Comment

None

Item-5: Commissioner Comment

None

Item-6: Executive Director Comment

Director Fulhorst reported on her trip to the annual COGEL (Council on Governmental Ethics Laws) conference in Washington, D.C. She advised that the main topic at the conference was the *Citizens United* decision and how it will affect government agencies with respect to disclosure laws. She noted there was a good exchange of ideas and that it was a very valuable conference.

Item-7: General Counsel Comment

None

Item-8: Presentation of Final Audit Report for Re-Elect City Attorney Mike Aguirre

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

Motion: Accept Report
Moved/Seconded: O'Neill/Howatt
Vote: Carried Unanimously
Excused: Wetzler

Item-9: Application of Pre-Election Fundraising Time Constraints to 2012 Primary Election

Director Fulhorst reported that the City's primary election date in 2012 may be moved up from June 5, 2012 to sometime between early March and June, 2012. She advised that this matter was docketed for Commission consideration because any changes to the City's primary election date in 2012 will affect the date that candidates may begin fundraising in 2011. She explained that the City's campaign laws do not allow candidates to start fundraising more than twelve months before the City's primary election. She noted that candidates have already started to seek direction from the Commission staff regarding this issue.

She advised that although there hasn't been any official action at the state level, staff anticipates that a bill will be introduced to change the state's primary election date. She pointed out that the City Charter states that the City's election must be held at the same time as the statewide election. She clarified that this is an information only item, and that staff is not seeking direction or action from the Commission at this time.

She presented several options proposed by staff with respect to enforcement of the twelve month pre-election fundraising time limit in the event the primary election date is changed.

Commissioner Fuller suggested obtaining input from local campaign managers regarding the options proposed by staff.

Director Fulhorst commented that she has received input from several candidates who indicated they would like to be able to begin fundraising in March of 2011 in anticipation that the 2012 primary might be moved up to March.

The Commission discussed the options proposed by staff.

Commission Chair Westfall questioned whether there was any harm in waiting to see which date the state officially selects for the primary election, even though it may possibly result in a shortened fundraising period.

Commissioner Fuller pointed out that a shortened fundraising period will give an advantage to self-funded candidates who can begin fundraising at any time.

Commissioners Howatt and Biddle suggested obtaining information from the City Attorney's Office with respect to its misdemeanor enforcement of the twelve month pre-election fundraising time limit in light of the surrounding circumstances. Director Fulhorst indicated that staff will confer with the City Attorney's Office before the January Commission meeting.

Item-10: Adjournment to Closed Session

Commission Chair Westfall adjourned the meeting to Closed Session at approximately 5:23 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.

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

One item withdrawn

Case No. 2010-08 - In Re: Alleged Failure to Timely Pay Vendor Debt

Motion: Dismiss

Vote: Carried Unanimously

Item-2: Personnel Matter – Evaluation of Performance

No Reportable Action

Reconvene to Open Session

Commission Chair Westfall called the meeting back into open session at approximately 6:00 p.m.

Reporting Results of Closed Session Meeting of December 9, 2010

Commission Chair Westfall reported the results of the Closed Session Meeting of December 9, 2010.

Adjournment

The meeting adjourned at approximately 6:05 p.m.

Larry Westfall, Commission Chair
Ethics Commission

Katherine Hunt, Executive Secretary
Ethics Commission

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