



**Minutes for the Meeting of
Thursday, March 14, 2024**

Item 1: Call to Order.

The Commission Chair called the meeting to order at 5:01 p.m.

Item 2: Roll Call.

Present – Commission Chair Caridad Sanchez, Vice Chair Paul Cooper, and Commissioners Hon. Laura W. Halgren, James Hauser, Tom Lincoln, Jimmie Slack, and Deval Zaveri

Staff – Executive Director Sharon Spivak, General Counsel Christina Cameron, Investigative Program Manager Kristina Gagne, Audit Program Manager Rosalba Gomez, Legislative Program Manager Megan Curran, and Program Manager of Administration and Training Victoria Velasquez

Item 3: Approval of Commission Minutes of February 8, 2024

Motion:	Approve Minutes
Moved/Seconded:	Cooper/Slack
Vote:	5-0 Cooper, Lincoln, Slack, Sanchez, Zaveri
Abstained:	Halgren, Hauser

Item 4: Non-Agenda Public Comment

None

Item 5: Commissioner Comment

Commission Chair Sanchez welcomed Commissioner Lincoln, who was attending his first Commission meeting since his appointment to the board in late February 2024. Commissioner Lincoln said he was happy and honored to be a part of the Commission and briefly summarized his background.

Item 6: Executive Director Comment

The Executive Director welcomed new Commissioner Tom Lincoln and thanked him for his willingness to serve and diligence in attending an “onboarding” meeting with her to prepare for his service. She noted that the staff looks forward to working with him.

The Executive Director thanked Commission staff, and particularly Education Program Manager Ryan O’Connor, for all of their work related to the City’s primary election cycle. She noted that the Education Program Manager answers numerous calls for technical legal advice throughout the campaign season, regarding the application of the City’s campaign laws and disclosures. She also noted that she co-taught four campaign finance law classes with him to prepare candidates and their staff for the process.

The Executive Director also recognized two staff members– Investigative Program Manager Tina Gagne and Legislative Program Manager Megan Curran – who are now enrolled in the City’s Public Service Management Certificate program. This is a series of classes that teach managerial level employees about City practices and governing law. They join Program Manager for Administration & Training Victoria Velasquez, who has completed that coursework for her certificate. She commended the staff members for their interest in the program.

Item 7: General Counsel Comment

None

Item 8: Presentation by the City Attorney of an Ethics Reform Proposal to Amend Laws Governing the Ethics Commission in the Municipal Code and Charter.

City Attorney Mara Elliott presented her proposal to amend the San Diego City Charter and Municipal Code sections to increase the independence of the Ethics Commission and provide it with stronger enforcement tools. Among the proposals are amendments to change the way Commissioners would be appointed, to increase the amount of fines that can be levied, to increase the authority of the Executive Director to investigate matters, and to require the City Council to appropriately fund the Commission’s work.

The proposed Charter amendments are tentatively scheduled to be heard by the City Council’s Rules Committee on April 18, 2024, for consideration for the November 2024 ballot. The Municipal Code amendments that do not derive from the Charter amendments can be considered by the City Council at any time and adopted through an ordinance. Those amendments would not require a vote of the people.

The City Attorney's proposed amendments can be found online with the agenda at https://www.sandiego.gov/sites/default/files/2024-03/agenda_240314.pdf.

Before the presentation, the Executive Director told Commissioners that this was intended to be an introduction to the legislative package and that they were not expected to vote on it at the March meeting. The City Attorney told Commissioners that she would welcome their recommendations and support.

During public comment on this item, Mr. Ryan Clumpner introduced himself as a political consultant and expressed his concerns with the process, optics, and politics of an elected official making these recommendations to an independent body.

Commissioner Cooper asked the City Attorney what prompted her proposed changes. She responded that she has witnessed and experienced issues over her fifteen-year tenure with the City Attorney's office and frustration with the antiquated fines.

Commissioner Lincoln thanked the City Attorney and expressed his support for her proposal. He suggested creating an ad hoc committee to review her proposed amendments. The Executive Director mentioned that the staff also has input regarding procedural changes.

Commissioner Hauser said he would like to discuss the proposed amendments with the staff. He indicated that he felt the Charter amendments felt rushed to be put on the November ballot and that he was more comfortable changing the Municipal Code. He also questioned the City Attorney's suggestion to have a pool of three judges appoint Commission members.

Commissioner Zaveri asked if the suggested pool of three judges would have term limits. The City Attorney said they would not have terms and would serve until they vacated their position, similar to the Audit Committee's process. Commissioner Zaveri suggested adding term limits, agreed that there are perception issues with the current way Commissioners are appointed, and thanked the City Attorney for her presentation.

Commissioner Halgren also thanked the City Attorney and said her proposal still needed details fleshed out. She agreed that the Commission's fines should be increased based on inflation, but some major changes needed further discussion.

Commissioner Cooper asked how the suggested panel of judges would gather candidates for the Commission when the current process is already

difficult to fill vacant seats. He also questioned why power would be removed from seven commissioners and given to one Executive Director regarding the investigation proposal. Ms. Gagne replied that this is the only Ethics Commission in the State of California that follows this process.

Commissioner Slack expressed his appreciation for the recommendations from the City Attorney. He would like to discuss them with the staff and noted that the proposed amendments did not suggest that the City Council controlled the Commission.

The Commission directed the Executive Director and Commission staff to analyze the proposals and to return to the April 11, 2024 meeting with their comments, information regarding the practices of other State of California Ethics Commissions, and additional changes that Commission staff would recommend be made to the code.

Item 9: Presentation of Final Audit Report Regarding the *Yes on C! For a Better San Diego – Sponsored by the San Diego Regional Chamber of Commerce, San Diego & Imperial Counties Labor Council, ALF-CIO and Manchester Grand Hyatt San Diego Committee.*

Motion: Accept Audit Report
Moved/Seconded: Slack/Hauser
Vote: Carried Unanimously

Item 10: Informational Item – Training Presentation Regarding the Ethics Commission’s Investigative Program and Procedures.

The Executive Director presented a PowerPoint presentation on the Ethics Commission's Investigative Program, focused on governing law and procedures regarding complaints. The presentation has been posted on the Commission's [website](#) for the public.

During public comment on this item, Mr. Ryan Clumpner said that he found the presentation helpful. He recognized the scope of what the Commission staff can and can't do, and what may need to be adjusted. He expressed his opinion that the existing Rules Committee would be open and welcoming of enhancements to the Municipal Code as it relates to lobbying, campaigning, compliance, and the Commission's budget. He also said that he believed the success of the policy discussions would hinge on the Commission's independence and ability to not get pulled into the politics involved.

Item 11: Ethics Commission Leadership Succession Plan

The Executive Director announced that she will be retiring and leaving the Commission in the last quarter of FY2025. She and Victoria Velasquez, the

Commission's Program Manager for Administration & Training, have begun working on documents and timelines to assist the Commissioners in hiring her successor. As this work is personnel-related, she and Ms. Velasquez are the only Commission employees who will be working on this. The work will be kept confidential, even within the department.

As the Ethics Commission is a six-person department that does highly confidential work, the transition in leadership requires an overlap period between the Executive Director and her successor. Working with the Chair and Vice Chair, the Executive Director requested funding in next year's budget for a three-month overlap and training period. This is the same transition plan that occurred when she joined the office.

The Executive Director's retirement date will depend upon funding for the overlap period, the date her successor is hired and then confirmed by the City Council, and the date the successor begins work.

The Executive Director said she would provide Commissioners with information regarding a timeline, hiring process, budget, and details to hire an outside search firm at the next meeting. She will also review the duties Commissioners need to assume in the hiring process. She asked that an ad hoc committee of three Commissioners be formed to take on preliminary work, which occurred for the last recruitment. Chair Sanchez and Commissioner Slack said that they will serve on that committee.

Item 12: Announcement of Closed Session Items / Adjourn to Closed Session.

Commission Chair Sanchez adjourned the meeting to closed session at 7:15 p.m. She stated the Commission would reconvene into open session following the conclusion of closed session to report any action taken during the closed session portion of the meeting.

Reconvene to Open Session

Commission Chair Sanchez called the meeting back into open session at approximately 7:54 p.m.

Reporting Results of Closed Session Meeting of March 14, 2024

Ms. Cameron reported the results of the closed session meeting of March 14, 2024:

Item-1: Conference with Legal Counsel

Case No. 2023-19 – Misuse of City Position or Resources

Motion: Dismiss, with education
Moved/Seconded: Hauser/Cooper
Vote: 6-0
Recused: Slack

Item 2: Conference with Legal Counsel

Case No. 2020-38 – Disclosure of \$10,000 Donors

Motion: Accept Audit Report
Moved/Seconded: Hauser/Cooper
Vote: Carried Unanimously

(Note: Stipulation in related case approved at meeting of April 15, 2021, before audit of campaign committee began.)

Item 3: Conference with Legal Counsel

Case No. 2024-01 – Disclosure of \$10,000 Donors

Sub-Item A:

Motion: Approve Stipulation
Moved/Seconded: Halgren/Zaveri
Vote: Carried Unanimously

Sub-Item B:

Motion: Accept Audit Report
Moved/Seconded: Lincoln/Cooper
Vote: Carried Unanimously

Item 4: Conference with Legal Counsel

Case No. 2023-34 – Misuse of City Position or Resources

Motion: Dismiss, with education
Moved/Seconded: Lincoln/Halgren
Vote: 5-1 (Zaveri voted nay)
Recused: Sanchez

Item 5: Conference with Legal Counsel (1 potential matter)

Case No. 2024-04 – Campaign Advertisement Disclosures

Motion: Authorize Investigation
Moved/Seconded: Hauser/Halgren
Vote: Carried Unanimously

Adjournment

The meeting concluded at 7:55 p.m.

[REDACTED]

[REDACTED]

Caridad Sanchez, Chair
Ethics Commission

Victoria Velasquez, Program Manager
Ethics Commission

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

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