



**Agenda for Meeting of  
Thursday, May 14, 2009**

Council Committee Meeting Room (12<sup>th</sup> Floor)  
202 C Street, San Diego, CA

For Information, contact the  
Ethics Commission at (619) 533-3476

**Note: The public portion of the meeting will begin at 5:00 p.m. The Ethics Commission will meet in Closed Session following the public portion of the meeting**

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**REGULAR MEETING**

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**Item 1: Call to Order.**

**Item 2: Roll Call.**

**Item 3: Approval of Commission Minutes.**

Approval of Commission Minutes of April 9, 2009.

**Item 4: Non-Agenda Public Comment.**

**Item 5: Commissioner Comment.**

This portion of the agenda provides an opportunity for Commissioners to make announcements or comments.

**Item 6: Executive Director Comment.**

This portion of the agenda provides an opportunity for the Executive Director to make announcements or comments.

**Item 7: General Counsel Comment.**

This portion of the agenda provides an opportunity for the Commission's General Counsel to make announcements or comments.

**Item 8: Proposed Amendments to the Commission's Investigative and Enforcement Procedures.**

Discussion and possible action regarding proposed amendments to the Commission's Investigative and Enforcement Procedures, with specific emphasis on witness subpoenas during investigations and a prohibition on providing false evidence to the Commission.

► View back-up materials: [http://www.sandiego.gov/ethics/pdf/procedures\\_090513.pdf](http://www.sandiego.gov/ethics/pdf/procedures_090513.pdf)

**Item 9: Appointment of Ad Hoc Committee to Nominate Commission Officers at June 11, 2009, Commission Meeting.**

Discussion and possible action regarding the appointment of Commissioners to serve on an ad hoc committee to nominate Commission officers at the Commission's meeting on June 11, 2009.

**Item 10: Adjourn to Closed Session.**

Adjournment to Closed Session to discuss the items listed in the Closed Session portion of the Agenda. The Commission will 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.

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**CLOSED SESSION**

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**Item 1: Conference with Legal Counsel**

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(c) (5 potential matters). The Ethics Commission may meet in closed session to consider initiating a formal investigation against a person or persons who are alleged to have violated local ethics laws. Should an investigation be authorized, the identity of the person or persons being investigated will be available upon request only if and after a Draft Administrative Complaint is issued. The nature and details of the allegations will be available upon request only if and after a Final Administrative Complaint is issued.

**Item 2: Conference with Legal Counsel**

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(c) (1 potential matter). The Ethics Commission may meet in closed

session to consider the settlement, dismissal, status of an investigation, or the issuance of a subpoena or Draft Administrative Complaint, with regard to an enforcement action against a person or persons alleged to have violated local governmental ethics laws. Should the issuance of a Draft Administrative Complaint be authorized, the identity of the Respondent or Respondents will be available after a Draft Administrative Complaint is issued and the matter is noticed for discussion as pending litigation. The nature and details of the allegations will be available upon request only if and after a Final Administrative Complaint is issued.

**Item 3: Conference with Legal Counsel**

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(c) (1 potential matter). The Ethics Commission may meet in closed session to consider initiating a formal investigation or issuing a Draft Administrative Complaint against a person or persons for whom material findings of a violation of local ethics laws have been made in an Ethics Commission Final Audit Report. Should an investigation be authorized, the identity of the person or persons being investigated will be available upon request only if and after a Draft Administrative Complaint is issued. Should the filing of a Draft Administrative Complaint be authorized, the identity of the Respondent or Respondents will be available after a Draft Administrative Complaint is issued and the matter is noticed for discussion as pending litigation. The nature and details of the allegations will be available upon request only if and after a Final Administrative Complaint is issued.

**Item 4: Conference with Legal Counsel**

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(c) (1 potential matter: Cornerstone Strategies, Case No. 2008-59). The Ethics Commission may meet in closed session to consider the settlement, dismissal, status of an investigation, or the issuance of a subpoena or Draft Administrative Complaint, with regard to an enforcement action against a person or persons alleged to have violated local governmental ethics laws. The nature and details of the allegations will be available upon request only if and after a Final Administrative Complaint is issued.

**Item 5: Conference with Legal Counsel**

Existing Litigation. Pending litigation pursuant to Government Code section 54956.9(a) (1 potential matter: Luis Aclé v. City of San Diego Ethics Commission, San Diego Superior Court Case No. 37-2008-00094460-CU-WM-CTL). The Ethics Commission may meet in closed session to consider the settlement, status, or strategy associated with existing litigation.

**INTERNET ACCESS TO COMMISSION AGENDA:** The Internet address is:  
<http://www.sandiego.gov/ethics>.

**ACCESS FOR PEOPLE WITH DISABILITIES:** This information will be made available in alternative formats upon request. To request an agenda in an alternative format or to request a

sign language or oral interpreter for the meeting, call the Ethics Commission (619/533-3476) at least five working days prior to the meeting to ensure availability. Assistive Listening Devices (ALDs) are available from the Ethics Commission Office if requested at least 24 hours prior to the meeting.

**COMMENT ON NON-AGENDA ITEMS:** This portion of the agenda provides an opportunity for members of the public to address the Commission on items of interest within the jurisdiction of the Commission. Comments are limited to no more than three minutes per speaker. Submit requests to speak to the Commission **prior** to the start of the meeting. Pursuant to the Ralph M. Brown Act, the Commission on any issue brought forth under “Non-Agenda Comment” shall take no discussion or action, other than a referral.