



**Agenda for Meeting of
Thursday, November 18, 2010
5:00 p.m.**

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

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

REGULAR MEETING

Item 1: Call to Order.

Item 2: Roll Call.

Item 3: Approval of Commission Minutes.

Approval of Commission Minutes of October 14, 2010.

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: Requested Waiver of Attorney-Client Privilege

Discussion and possible action regarding request from attorney representing City of San Diego for waiver of attorney-client privilege with respect to a portion of an Ethics Commission closed session memorandum dated May 8, 2008.

▶ View back-up materials: [link](#)

Item 9: Use of City Equipment, Supplies, and Resources for Campaign Activities

Discussion and possible action regarding the recent election and concerns raised about the apparent use of City equipment and supplies for campaign advocacy, as well as the prohibitions contained within the City's Ethics Ordinance.

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.

CLOSED SESSION

Item 1: Conference with Legal Counsel

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(c) (15 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) (2 potential matters). 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: Dante Dayacap; Case No. 2008-79). The Ethics Commission may meet in closed session to consider the settlement, dismissal, status, issuance of a subpoena, scheduling of an Administrative Hearing, or other issue related to a pending enforcement action in which the probable cause determination has been waived by the Respondent. The nature and details of the allegations will be available upon request only if and after a Final Administrative Complaint is issued.

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.