

**MINUTES OF THE MEETING
CITY OF SAN DIEGO ETHICS COMMISSION**

**December 13, 2001
5:00 P. M.
City Administration Building, 12th Floor
Council Chambers
202 C Street**

MEMBERS

Dorothy Leonard, Chair
Albert Gaynor, Vice-Chair
Lisa Foster
Charles La Bella
April Riel
Dorothy Smith
Gregory Vega

Agenda Item No. 1 - Call to Order.

The meeting was called to order by Chairperson Leonard at 5:09 p.m.

(Tape location: A004-A005)

Agenda Item No. 2 - Roll Call.

The meeting began with all Commissioners present except for Commissioner Vega.

(Tape location: A005-A006)

Agenda Item No. 3 - Approval of Commission Minutes.

The minutes for the meetings of November 8, 2001, and November 15, 2001, were approved.

MOTION BY SMITH TO APPROVE MINUTES. Second by Foster. Passed by unanimous vote, with Commissioner Vega absent.

(Tape location: A007-A011)

DRAFT - Minutes for adoption 1/3/02.

Agenda Item No. 4 - Non-Agenda Comment.

PUBLIC COMMENT 1 - Scott Andrews welcomed the Commissioners, and asked about when he could approach the Commission.

Chairperson Leonard stated that the public can comment on any agenda item, and that the Commission would especially appreciate hearing from the public during the development of its procedures. Complaints cannot be accepted until all procedures have been adopted, which is anticipated to occur in early April.

(Tape location: A012-A014; A105-A120)

Agenda Item No. 5 - Commissioner Comment.

COMMISSIONER COMMENT 1 - Commissioner Gaynor commended Chairperson Leonard and Commissioners Riel and Smith for their presentation of the Commission's draft regulations to the Rules Committee on December 5.

COMMISSIONER COMMENT 2 - Chairperson Leonard welcomed Executive Director Charles B. Walker to his first official appearance at an Ethics Commission meeting. Chairperson Leonard also commended Bonnie Stone for her assistance to the Commission.

COMMISSIONER COMMENT 3 - Commissioner La Bella announced that he has re-drafted the purpose and intent portion of the draft Ethics Ordinance under discussion today as Item 8, but did not have the chance to distribute it.

(Tape location: A015-A050)

Agenda Item No. 6 - Executive Director Comment.

Mr. Walker announced that his first official day on the job was December 7. He thanked the Commissioners for their trust in him and for the help given him while making the transition. He especially commended Chairperson Leonard. He announced that the temporary office is located at 1010 Second Avenue, Suite 1530; the permanent location will be at 600 B Street, Suite 1440. He has begun the process of hiring an executive secretary, which could take from four to eight weeks. In the interim, Personnel Director Rich Snapper has arranged for temporary office help. With regard to hiring the Commission's investigator, Mr. Walker recommended that the Commission's personnel subcommittee be involved, as it is likely the investigator hired will also be the deputy executive director on those occasions when Mr. Walker is unavailable. Ginny Vida, ethics commission executive director for the City and County

DRAFT - Minutes for adoption 1/3/02.

of San Francisco, will visit the San Diego Ethics Commission's office on December 26 to discuss San Francisco's process for drafting its manual of investigative day-to-day procedures.

(Tape location: A051-A104)

Agenda Item No. 7 - Commission Procedures - Complaint, Investigation and Enforcement Procedures.

Deputy City Attorney Rick Duvernay discussed changes made to the Commission's proposed enforcement procedures, based upon feedback received at the Rules Committee meeting. There was discussion regarding settlements, including when to enter negotiations, and what the Executive Director's role should be in accepting settlements.

MOTION BY FOSTER TO AMEND THE PROPOSED LANGUAGE OF §26.0450(a), (b) AND (c) TO GIVE MORE FLEXIBILITY TO THE EXECUTIVE DIRECTOR REGARDING SETTLEMENT. Second by La Bella. Passed by unanimous vote, with Commissioner Vega absent.

(Tape location: A121-B028)

There was discussion of including a three-year statute of limitations in the Commission's enforcement procedures for administrative complaints.

(Tape location: B029-B137)

The Commission scheduled a meeting for January 3, 2002, at 5:00 p.m. in Council Chambers for further discussion of the proposed investigation and enforcement procedures.

(Tape location: B138-B167)

Agenda Item No. 8 - Ethics Ordinance.

Commissioner La Bella reported that the Ethics Ordinance subcommittee attempted to draft a clear, precise, user-friendly series of regulations that address what public officials should and should not do, in language that will be understandable to those public officials and to the public at large. He noted that he hopes for a lot of comment on the draft ordinance.

Key concepts include a positive purpose and intent for the ordinance; the blanket term "benefit" to include gifts, travel payments, honoraria and loans--any items of value; and

DRAFT - Minutes for adoption 1/3/02.

the reporting of and limits on benefits received by public officials' family members.

(Tape location: B168-B327)

There was discussion of the Commission's potential, preliminary review of financial disclosure statements filed by persons nominated to City positions subject to a conflict of interest code; the idea was discarded.

(Tape location: B328-B372)

There was discussion of including the specific gift limit dollar amount in the text of the Ethics Ordinance, and noting that it is subject to adjustment.

(Tape location: B373 -B410)

There was discussion of the state's exception to restrictions on benefits related to gifts or loans from certain individuals related by blood or marriage. That exception currently does not include significant others.

(Tape location: B411-B452)

There was discussion of potential conflicts with the City's Lobbying Ordinance in that the Ethics Ordinance includes lobbyists among restricted sources, who are unable to give gifts.

(Tape location: B453-B473)

Mr. Duvernay noted that some benefits are exceptions to the restrictions, but are still reportable. He is exploring the use of footnotes or tables within the Ethics Ordinance as a way of making such anomalies graphically clear.

(Tape location: B474-B512)

There was discussion of the impact of the Ethics Ordinance on other sections of the Municipal Code.

(Tape location: B513-C015)

Commissioner Foster stated that she is troubled by the gift limit, and reporting requirements for gifts. She suggested that the Ethics Commission establish a de minimus amount for gifts and propose to Council that there be no gifts allowed above the de minimus amount.

DRAFT - Minutes for adoption 1/3/02.

Commissioner La Bella stated that he believes disclosure is the key, not capping either the gift limit or campaign contributions.

(Tape location: C016-C130)

Agenda Item No. 8 - Adjournment.

The meeting was adjourned by Chairperson Leonard at 6:45 p.m.

(Tape location: C131-C132)

Dorothy Leonard, Chairperson
Ethics Commission

Bonnie J. Stone
Deputy City Clerk

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