

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

**February 28, 2002
5:00 p.m.
City Administration Building
Council Committee Room
202 C Street, 12th Floor**

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 5:03 p.m.

(Time: 5:03:06 p.m.)

Agenda Item No. 2 - Roll Call.

The meeting began with all Commissioners present except Chuck La Bella who was excused.

Executive Director Charlie Walker introduced new staff member, DonnaLee Brinkerhoff, Executive Secretary, arriving from the City Attorney's Office.

(Time: 5:03:11 p.m.)

Agenda Item No. 3 - Approval of Commission Minutes.

MOTION BY COMMISSIONER VEGA TO APPROVE COMMISSION MINUTES OF JANUARY 31, 2002. Second by Commissioner Smith. Passed by unanimous vote, with Commissioner La Bella excused.

(Time: 5:04:12 p.m.)

Agenda Item No. 4: Non-Agenda Comment.

PUBLIC COMMENT 1 - Clean Elections - Cliff McReynolds, Head of the Alliance for Clean Elections in San Diego, addressed the Commission regarding the Alliance's purpose to bring real campaign finance to San Diego.

Commissioner comment that consideration of this request be taken during the review of the Campaign Control Ordinance.

(Time: 5:04:29 p.m.)

Agenda Item No. 5 - Commissioner Comment.

Commissioner Vega requested comments from fellow Commissioners who attended the seminar on Ethics. Commissioner Smith expressed congratulations to Commissioners Foster and LaBella and Executive Director Walker on a job well done.

(Time: 5:10:00 p.m.)

Agenda Item No. 6 - Executive Director Comment.

Mr. Walker reported to the Commission on several topics:

1. The task of getting an Investigator on staff.
2. The current office location may become permanent if the space can be reconfigured properly.
3. A presentation to the Purchasing Department officials is scheduled for March 21, 2002.
4. A presentation to the Labor Advisory Committee for the City is scheduled for March 22, 2002.
5. Attendance at the Fair Political Practices Commission [FPPC] conference in Oakland for Executive Directors of all California Ethics Commissions, scheduled for April 19, 2002.

6. Enrollment of the Commission in the Council of Governmental Ethics, the only association of governmental ethics agencies in the country.
7. Distribution of the Information/Contact Sheet to all the Commissioners for updating.

(Time: 5:10 p.m.)

Agenda Item No. 7 - Commission Discussion of Education, Training and Awareness Program.

The Ad-Hoc Subcommittee met on February 14, 2002 with Chairperson Leonard, Commissioners La Bella and Smith, present; Co-Chair Gaynor, not present.

Executive Director Walker reviewed the report and summary. The Subcommittee met with staff from City Clerk's, City Attorney and Ethics Commission to draw on the experiences of the City Clerk's office as being the lead position with the educational programs that have been ongoing within the City.

Danell Scarborough from Organizational Effective Program [OEP] and Cathy Lexin, Director of the Human Resources Department, presented possibilities on how the Commission could establish its education program and accomplish its mission to train employees under its jurisdiction. Discussion followed of recommendations on how the Commission might integrate styles of training into the education program, and costs for these services.

PUBLIC COMMENT 1 - Dr. Craig Dunn, SDSU Business Ethics faculty member, and Senior Consultant with the Center for Organizational Effectiveness in San Diego. Dr. Dunn concurred with Mr. Walker in expressing that real-live training is an important component in transmitting information. He voiced concern that the Commission pay attention to the difference between compliance-based training and values-based training.

Further discussion on budgeting, how to get the program established, and the need for a consultant to establish this task. Further discussion on the budget for the coming year, the Rules Committee request to move forward with the Education Program, the need to give Financial Management a realistic budget figure for the coming year. This topic was referred back to the Education Ad-Hoc Subcommittee.

(Time: 5:13:59 p.m.)

Agenda Item No. 8 - Ethics Ordinance.

Chairman Leonard reported that the Ethics Ordinance was approved by the Rule Committee February 20, 2002. The draft ordinance is posted on the website and is to be scheduled for a hearing at the March 18, 2002 City Council meeting.

Deputy City Attorney Rick Duvernay added that the Rules Committee forwarded the Ordinance to the City Council with a unanimous recommendation as to its content with the exception of the section that addressed solicitation of city officials. The Mayor requested the City Attorney's Office to provide an Opinion regarding the scope of the State law and the meaning of the term "officer" within State law. The Opinion will be completed prior to March 18, 2002.

PUBLIC COMMENT 1 - Dr. Dunn commented on how to institutionalize the factors of ethics into the organization. He specified that he presented at Rules Committee the question as to the difference between the terms "ethics laws" and "non-ethics law," and that there needs to be some clarity as to the terms.

Deputy City Attorney Rick Duvernay commented on the how the Commission is working on pulling the Ethics Code, Administrative Regulations, and other existing state laws together. To date, there is no distinction between the terms.

PUBLIC COMMENT 2 - Mel Shapiro commented on a specific section on page 8 of the Ethics Ordinance, and asked for clarification as to the term high level filer, and who is and who is not considered a high level filer.

There was extensive discussion at Rules Committee as to who fit into that category. The Commission will need to review all of the conflict of interest codes for every board and commission.

Commissioners Foster and La Bella will present the proposed Ethics Ordinance to the City Council.

(Time: 5:49:34 p.m.)

Agenda Item No. 9 - Ethics Commission Work List.

It was noted that the procedures for conducting audits was scheduled to take place in Spring, 2002, and there may be a need to push that date back due to the efforts being placed on the education program.

The Commission can start accepting complaints related to the lobbying and campaign control ordinances on March 13 or 14. These are the only topics that

are under the jurisdiction of the Commission. The complaint form is in progress of being developed and will be posted on the Commission's website. It was noted that the Commission can not accept complaints on matters covered by the Ethics Ordinance until 30-days after the ordinance has been approved by the City Council.

The Commission discussed the hiring of an auditor and hearing officer, in addition to an investigator.

Discussion regarding the formation of additional Ad-Hoc Subcommittees on the following topics:

1. Conflict of Interest Codes
2. Campaign Control Ordinance
3. Lobbying Ordinance

A decision was made to hire an investigator in-house and the need for the Ad-Hoc Subcommittee to meet with the Personnel Director to create the evaluation procedures for the Executive Director.

Commissioner Riel commented that the Audit Procedures Ad-Hoc Subcommittee has obtained procedures from other jurisdictions and will need to meet with the City Clerk's Office to collaborate with them.

(Time: 6:08:26 p.m.)

Agenda Item No. 10 - Adjournment.

The meeting was adjourned by Chairperson Leonard at 6:19:58 p.m.

Dorothy Leonard, Chairperson
Ethics Commission

DonnaLee Brinkerhoff, Executive Secretary
Ethics Commission

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