

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

**March 14, 2002  
5:30 p.m.  
City Administration Building  
Council Committee Room  
202 C Street, 12<sup>th</sup> 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 5:32 p.m.

(Time: 5:32:19 p.m.)

**Agenda Item No. 2 - Roll Call.**

The meeting began with all Commissioners present except Commissioner Foster who was excused.

(Time: 5:32:36 p.m.)

**Agenda Item No. 3 - Approval of Commission Minutes.**

MOTION BY COMMISSIONER LA BELLA TO APPROVE COMMISSION MINUTES OF FEBRUARY 28, 2002. Second by Commissioner Smith. Passed by unanimous vote with Commissioner Foster excused.

(Time: 5:32:41 p.m.)

**Agenda Item No. 4 - Non-Agenda Comment.**

No non-Agenda comment.

(Time: 5:33:02 p.m.)

**Agenda Item No. 5 - Commissioner Comment.**

Chairperson Leonard reminded the Commission that Statements of Economic Interests are due the end of this month. City Council hearing on the Ethics Ordinance is Tuesday, March 19, 2002, after 2:00 p.m. Those doing the presentation meet at Council Chambers at 1:00 p.m.

(Time: 5:33:20 p.m.)

**Agenda Item No. 6 - Executive Director Comment.**

Mr. Walker reported to the Commission on several topics:

1. The Ethics Ordinance going before City Council on March 19, 2002.
2. Opinion prepared by DCA Duvernay regarding the Solicitation of Political Contributions from Employees and Members of City Boards and Commission addressing Mayor Murphy's concerns that were expressed at Rules Committee.
3. Passing of Proposition B at the March 5, 2002 election. No prediction when the official amendment to the City Charter will take place. Anticipate 3 to 5 weeks.
4. The Commission's Enforcement Procedures become effective today. The complaint form will be posted on the Commission's website. It will not include the Ethics Ordinance at this time.
5. San Francisco is noticing a trend from the last two elections that candidates who spend less have prevailed whereas the usual trend is the candidate who spends the most wins. They are convinced that the results are due to the electronic campaign filing because of the instant disclosures that are available.
6. A request for a speaker to the San Diego Bar Real Estate Branch. Their interest is in the Ethics Ordinance with regards to lobbying. A request for any volunteers to make that presentation.
7. Discussion of meeting with City Council and Manager staff regarding the Ethics Ordinance and their concern of the revolving door provision.

8. Two additional presentations before the Purchasing Department on March 21, 2002, and the Labor Advisory Committee of the City on March 22, 2002.

(Time: 5:35:05 p.m.)

**Agenda Item No. 7 - Commission Discussion of Education, Training and Awareness Program for individuals falling under the jurisdiction of the City of San Diego Ethics Commission.**

Mr. Walker reported that the Education Subcommittee met on March 12<sup>th</sup> with Danell Scarborough, OEP, continuing discussions for utilization of OEP's resources to assist in the development of the training program. OEP recommends a course identifying the Commission's target audience, which is set out in the Enforcement Procedures as well as the Ethics Ordinance.

The role of the Commission will be: 1) defining the purpose and scope, 2) selecting the trainer, and 3) consultant for the training. A consultant is needed to assist in the design of the curriculum and materials.

The Education Subcommittee recommended that the Ethics Commission approve the general concept to utilize OEP to develop an Ethics Training Program, in addition to approve the concept of hiring a consultant.

The subcommittee was of the opinion that the Commission should immediately provide an informational brochure, which answers frequently asked questions of the public.

Chairperson Leonard commented that the City has an agreement with the Water Authority on training and has a list of consultants. The Commission could utilize this list to conduct interviews to avoid a Request For Proposal (RFP) process.

**MOTION BY COMMISSIONER LABELLA TO APPROVE THE CONCEPT OF UTILIZING THE RESOURCES OF OEP TO DEVELOP AN ETHICS TRAINING PROGRAM, AND APPROVAL BE GIVEN TO BEGIN THE PROCESS OF HIRING A CONSULTANT TO DESIGN AND DEVELOP THE MATERIALS FOR THE PROGRAM. Second by Commissioner Smith. Passed by unanimous vote, with Commissioner Foster excused.**

Executive Director Walker added the topic of the three-tier, on-line capability discussed at the prior meeting. Mr. Walker has initiated an information, technology project concept and has submitted it to IT&C for their consideration.

(Time: 5:40:07 p.m.)

**Agenda Item No. 8 - Discussion of Commission Participation in City Bi-Annual Update of Conflict of Interest Codes for City Departments and City Boards and Commissions.**

DCA Duvernay reported that this item stems from the Rules Committee in the course of explaining the new Ethics Ordinance, how it classifies an individual's filing status, and the basic requirements of the Political Reform Act.

Mr. Duvernay stated that this is the year for an update and discusses the material provided by the City Clerk's Office.

Discussion that there may be some benefit to having 1-on-1 interactions with Liaisons from each department as part of the process. It was recommended that the Liaison from each department be required to meet with the Executive Director or his designee, to review the new checklists to establish a relationship.

Recommendation: Staff to continue working with the City Clerk's office on the bi-annual review of the Conflict of Interest Codes and report back to the Commission on how this will be publicized.

(Time: 5:56:12 p.m.)

**Agenda Item No. 9 - Report from Audit Subcommittee.**

Commissioner Vega presented an overview of the Audit subcommittee's meeting on March 12, 2002, with representatives from the City Attorney, City Clerk, and Auditor's Offices. There are three classes of filing:

- Campaign Disclosure (Form 460)
- Statements of Economic Interests (Form 700)
- Lobbyists reports (Forms 1645, 1646)

These are the reports that will be reviewed. The Clerk's office specified that there are other forms involved: Forms 461, 465, 496, and 497, which are all relevant to consider when developing auditing procedures. Another issue to review is Vendor debt. Vendor debt is not enforced, and the current form does not specify when vendor debt is paid.

The Subcommittee will set another meeting within two weeks to give the Auditor's Office an opportunity to review what information is contained in each form, and how the Commission can establish Auditing procedures. The Auditor's Office has agreed to assist the Commission with drafting the Auditing procedures, but will not be involved in the actual auditing process once the procedures are implemented. It is hoped to have the first draft of the Auditing procedures in place by the end of June. DCA Duvernay commented that a completion date by the end of the year would be realistic.

## DRAFT OF MINUTES FOR MARCH 14, 2002 MEETING

Executive Director Walker met with the City Auditor regarding his office assisting the Commission with auditing. The City Auditor recommended that it would be more appropriate for an independent entity to conduct audits if it involved elected officials or candidates for elective office, particularly the City Council because they are his appointing authority.

Executive Director Walker added that from his recollection from his notes, that during 2001 the City Clerk was the filing official, and 3,000 reports were filed; 1,600 were SEIs and the remainder were related to campaigns and municipal lobbying.

Recommendation: The Audit Subcommittee meet again before the next Commission meeting and bring forward recommendations at that time.

(Time: 6:15:42 p.m.)

### **Agenda Item No. 10 - Ethics Commission Work List.**

Commissioners and staff discussed amendments and additions to the previously approved Ethics Commission Work List.

Item 14.3 – Procedures for conducting audits – Target date, June 2002

Item 18 – Commission begins review/update of City's governmental ethics laws – Target date, April 2002

Item 19 – Commission begins taking complaints on Campaign Control Ordinance and Lobbying Ordinance - Begins March 14, 2002

Item 20 - Commission begins development of the education program – Target date, March 2002

Item 21 – Commission begins review/update of City's Conflict of Interest Code – Target date, August 2002

Item 22 – Commission begins review/update of City's Campaign Control Ordinance, Target date, November 2002

MOTION TO APPROVE THE REVISED COMMISSION WORK LIST BY COMMISSIONER SMITH. Second by Commissioner Riel. Unanimous vote to approve, Commissioners Foster and La Bella excused.

Executive Director Walker updated the Commission on the hiring of an investigator. The position has been classified by personnel, and in the process of receiving applicants.

(Time: 6:31:05 p.m.)

**Agenda Item No. 11 - Adjournment.**

The meeting was adjourned by Chairperson Leonard at 6:41 p.m.

(Time: 6:41:40 p.m.)

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Dorothy Leonard, Chairperson  
Ethics Commission

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DonnaLee Brinkerhoff, Executive Secretary  
Ethics Commission

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