

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

**May 9, 2002
5:30 p.m.
City Administration Building
Council Committee Room
202 C Street, 12th Floor**

Agenda Item No. 1 - Call to Order. (Time: 5:50:31 p.m.)

Chairperson Leonard called the meeting to order at 5:50 p.m.

Agenda Item No. 2 – Roll Call. (Time: 5:50:40 p.m.)

Present - Chairperson Dorothy Leonard; Commissioners Lisa Foster, April Riel, Dorothy Smith, and Gregory Vega.

Staff: Executive Director Charles Walker, Deputy City Attorney Rick Duvernay, Legal Assistant Stephen Ross, Investigator Stacey Fulhorst, Executive Secretary DonnaLee Brinkerhoff

Speaker: Mr. Melvin Shapiro

Excused: Vice-Chair Albert Gaynor and Commissioner Charles La Bella.

Agenda Item No. 3 – Reporting Results of Closed Session. (Time: 5:50:51 p.m.)

The Commission has directed the Executive Director to initiate a formal investigation on two matters.

Agenda Item No. 4 - Approval of Commission Minutes. (Time: 5:50:58 p.m.)

MOTION TO APPROVE COMMISSION MINUTES OF APRIL 25, 2002.
Moved/Seconded: Commissioners Foster/Vega. Passed unanimously with Vice-Chair Gaynor and Commissioner La Bella excused.

Agenda Item No. 5 - Non-Agenda Comment.

(Time: 5:52:06 p.m.)

Mr. Shapiro commented on three issues: 1) copies forwarded to the Commission of letters addressed to the complainant; 2) appeal process for the complainant; 3) distinction between the words "opinion" and "allegation."

Agenda Item No. 6 - Commissioner Comment.

(Time: 5:57:09 p.m.)

None.

Agenda Item No. 7 - Executive Director Comment.

(Time: 5:57:17 p.m.)

Executive Director Walker reported on the following:

1. To date, the commission has received thirteen complaints, issued three dismissals, and has six investigations in progress since the Enforcement Procedures became effective on March 14, 2002.
2. Jurisdiction of the Ethics Ordinance shall become effective on May 29, 2002. At that time, the Complaint form will be amended, and the Commission will commence receiving complaints for alleged violations of the Ordinance.
3. Introduced the Supplemental Disclosure form for mid-year filing.
4. Update of the Informational Brochure. The final draft will be presented at the next Commission meeting.
5. Update of upcoming speaking engagements:
 - May 15, 2002 – City's Career Management Program
 - May 22, 2002 – Audit Payroll Department
 - May 24, 2002 – Academy 2000 Graduate Program

DCA Duvernay added the following:

1. Introduced the status of the Ethics Commission during a meeting with the Stadium Advisory Board, and was invited to return to meet with their Subcommittee.
2. Distributed the Audit Manual and frequently asked questions to the Stadium Advisory Board as "work in progress."

3. Distributed a recently published Report from the City Attorney's Office dealing with proposed changes to the San Diego Municipal Code related to campaign signs.

Chairperson Leonard commended staff (combined staff from the Commission and the City Attorney's Office), for the handling of investigations, writing ordinances and conducting educational training.

Agenda Item No. 8 - Ad Hoc Personnel Subcommittee. (Time: 6:03:53 p.m.)

Commissioners Foster and Vega met with Rich Snapper, City Personnel Director, on the process of evaluating its non-classified employees, and to compile information to assist in the development of a process for evaluating the Executive Director. A proposed process will be presented to the Commission for consideration at the May 23, 2002 Closed Session. The Ad Hoc Personnel Subcommittee will consist of Commissioners Foster, Smith, and Vega.

Agenda Item No. 9 – Ad Hoc Audit Subcommittee. (Time: 6:06:22 p.m.)

Commissioners Riel and Vega reported, and the Commission discussed the development of the Audit process. Commissioner Riel commended Legal Assistant Steve Ross for his diligent work on the first draft of the Audit Manual. The Audit Manual is modeled after San Francisco. Commissioner Riel presented the draft audit manual and discussed in more detail the areas that changed.

Audits will be conducted on: 1) candidate committees; 2) independent expenditure committees for ballot measures; and 3) independent expenditure committees for candidates. City Auditor staff is drafting the audit selection process with a target date of May 13, 2002.

Timeline:

First Draft of Campaign Audit Procedures:	May 13, 2002
First presentation to Commission:	May 23, 2002
Third Draft of Audit Manual:	June 13, 2002
Commission approval on Audit Manual:	June 27, 2002
Presentation to Rules Committee:	July 2002

The Commission was requested to review the draft Audit Manual for comment and discussion at the next Commission meeting.

Agenda Item No.10 - Education, Training, and Awareness Program for individuals falling under the Jurisdiction of the City of San Diego Ethics Commission. (Time: 6:29:36 p.m.)

Executive Director Charlie Walker reported, and the Commission commented on the following item:

Nineteen notices were sent out requesting interested Ethics consultants to present proposals to the Commission with regards to training. The Commission received two responses:

- a) Dr. Craig Dunn
- b) The Josephson Institute

The Ad Hoc Education Subcommittee met to review the proposals. Mr. Walker reiterated that by utilizing OEP, the City Manager's Office would incur a portion of the expense for training that would go towards the unclassified City employees. The Commission would cover the expenses associated with the elected officials, councilmembers and their staff, as well as the boards and commissions. The Education Subcommittee requested that Robert Stern, co-author of the PRA be contacted as a potential consultant. Mr. Stern has been contacted and declined to submit a proposal that he provides materials because he does not conduct training. Interviews will be scheduled to meet with the two consultants.

Agenda Item No. 10 - Adjournment. (Time: 6:34:16 p.m.)

Chairperson Leonard adjourned the meeting at 6:34 p.m.

Dorothy Leonard, Chairperson
Ethics Commission

DonnaLee Brinkerhoff, Executive Secretary
Ethics Commission

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