

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

**May 23, 2002
6:45 p.m.
City Administration Building
Council Committee Room
202 C Street, 12th Floor**

Agenda Item No. 1 - Call to Order. (Time: 6:45:30 p.m.)

Chairperson Leonard called the meeting to order at 6:45 p.m.

Agenda Item No. 2 – Roll Call. (Time: 6:45:36 p.m.)

Present - Chairperson Dorothy Leonard; Vice-Chair Albert Gaynor;
Commissioners Charles La Bella, April Riel, Dorothy Smith, and Gregory Vega.

Staff - Deputy City Attorney Rick Duvernay; Legal Assistant Stephen Ross;
Investigator Stacey Fulhorst; Executive Secretary DonnaLee Brinkerhoff

Speaker - Mr. Melvin Shapiro

Excused - Executive Director Charlie Walker and Commissioner Foster.

Agenda Item No. 3 – Reporting Results of Closed Session. (Time: 6:45:43 p.m.)

The Commission directed the Executive Director to open one formal investigation, and to dismiss one complaint.

Agenda Item No. 4 - Approval of Commission Minutes. (Time: 6:45:56 p.m.)

MOTION TO APPROVE COMMISSION MINUTES OF MAY 9, 2002.
Moved/Seconded: Commissioners Vega/Riel. Passed unanimously with
Commissioner Foster and Executive Director Walker excused.

Agenda Item No. 5 - Non-Agenda Comment. (Time: 6:46:12 p.m.)

Speaker Mel Shapiro suggested that staff of the City Attorney's office brief the Ethics Commission of the Brown Act regarding Agendas.

Agenda Item No. 6 - Commissioner Comment.

(Time: 6:48:15 p.m.)

Chairperson Leonard discussed the development of Operating Rules for the Commission. By-Laws from the City and County of San Francisco have been obtained as a sample. A couple of incidents occurred which triggered the need for operating rules. An Ad-Hoc Subcommittee was appointed to develop the Operating Rules consisting of Chairperson Leonard, Vice-Chair Gaynor, and Commissioner Dorothy Smith.

Agenda Item No. 7 - Executive Director Comment.

(Time: 6:49:52 p.m.)

Investigator Stacey Fulhorst reported on behalf of the Executive Director as follows:

1. Overview of complaints. To date, the commission has received seventeen complaints, issued five dismissals, and has six investigations in progress since the Enforcement Procedures became effective on March 14, 2002.
2. Reminder that the Ethics Ordinance shall become effective on May 29, 2002. At that time the Commission will commence receiving complaints for alleged violations of the Ordinance.
3. Status of the Supplemental Disclosure for the Mid-Year Gift Reporting form. The City Clerk's Office will be distributing the form in Mid-June. The form should be turned in by July 31, 2002.
4. Final draft of the Informational Brochure was distributed. Barring any suggested changes, the brochure will be put out for its first print run.
5. The Subpoena power is set to go. The Charter Amendment was certified by the State, our Charter has been amended, and the municipal code is in the process of being revised.

Agenda Item No. 8 – Deputy City Attorney Comment.

(Time: 6:51:50 p.m.)

DCA Duvernay introduced AB 1791, pending legislation at the State level that affects the disclosure requirements with regard to SEIs. There is a requirement in the Political Reform Act that you file an Assuming Office Statement within 30 days of being hired or accepting a position that requires the filing of an SEI, and there's a bill pending that would reduce that timeframe from 30 days to 10 days.

Agenda Item No. 9 – Ad Hoc Audit Subcommittee.

(Time: 6:54:18 p.m.)

Commissioners Riel presented the second draft of the Audit Manual. The Ad-Hoc Subcommittee met with City Auditor's Office who presented the Audit Procedures for the Campaign Statements.

Five categories to be audited: 1) campaign committee for reporting requirements; 2) contributions; 3) audit tests for loans; 4) audit tests for expenditures; and 5) audit tests for termination. There are a total of nineteen audit procedures that are going to be performed by the Auditors that will work under contract with the Commission. Ms. Riel highlighted changes to the manual: 1) a definition section was added; 2) some detailed accounting terms were removed and placed in the appendices; and, 3) a new section for Lobbyists was added.

Ms. Riel specified that test runs would be conducted to fine-tune the audit procedures. It was requested that the Commission review the new revisions for comment.

Chairperson Leonard reiterated that the Commission review the second draft, return for further discussion at the next meeting, and hopefully adopt a final at the second meeting in June. Ms. Leonard commended the Ad-Hoc Audit Subcommittee for their hard work.

Agenda Item No.10 -Education, Training, and Awareness Program for individuals falling under the Jurisdiction of the City of San Diego Ethics Commission.

(Time: 6:57:20 p.m.)

Investigator Stacey Fulhorst reported on behalf of the Executive Director that the Ad-Hoc Education Subcommittee would be interviewing Dr. Craig Dunn on May 28, 2002. The second potential interviewee was the Josephson Institute, and they have declined the invitation to come meet with the Commission to negotiate their fee that was in their original proposal.

Agenda Item No. 11 - Adjournment.

(Time: 6:58:32 p.m.)

Chairperson Leonard adjourned the meeting at 6:58 p.m.

Dorothy Leonard, Chairperson
Ethics Commission

DonnaLee Brinkerhoff, Executive Secretary
Ethics Commission

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