

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

**June 13, 2002**

**5:45 p.m.**

**City Administration Building  
Council Committee Room  
202 C Street, 12<sup>th</sup> Floor**

**Agenda Item No. 1 - Call to Order.** (Time: 5:49:25 p.m.)

Chairperson Leonard called the meeting to order at 5:49 p.m.

**Agenda Item No. 2 – Roll Call.** (Time: 5:49:35 p.m.)

**Present** - Chairperson Dorothy Leonard; Commissioners Charles La Bella, 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 Gaynor and Commissioner Foster.

**Agenda Item No. 3 – Reporting Results of Closed Session.** (Time: 5:49:41 p.m.)

The Commission has authorized the Executive Director to initiate seventeen matters.

**Agenda Item No. 4 - Approval of Commission Minutes.** (Time: 5:49:53 p.m.)

MOTION TO APPROVE COMMISSION MINUTES OF MAY 23, 2002.

Moved/Seconded: Commissioners Riel/Smith

Vote: Unanimously with Vice-Chair Gaynor and Commissioner Foster excused.

**Agenda Item No. 5 - Non-Agenda Comment.** (Time: 5:50:12 p.m.)

None.

**Agenda Item No. 6 - Commissioner Comment.** (Time: 5:50:15 p.m.)

Chairperson Leonard requested that Commissioners inform the Commission secretary of planned vacations. Commissioner Smith specified that she will be on

vacation the first three weeks in August, and will be absent for the first meeting in August.

**Agenda Item No. 7 - Executive Director Comment.**

(Time: 5:51:30 p.m.)

Executive Director reported on the following:

1. Mr. Walker will be attending the Conflict of Interest Code Update Workshops conducted by the City Clerk's Office on June 25, 2002 and June 27, 2002.
2. Mr. Walker will be attending the FPPC workshop at the County Registrar of Voters on June 24, 2002. All Commissioners are welcome to attend.
3. Mr. Walker presented his thoughts regarding the Commission's Annual Report. The Commission is required to publish an Annual Report describing the activities of the Commission during the previous year, including the number of complaints handled and investigations conducted, types of violations alleged, and action taken for complaints received. Pursuant to discussions with Bill Baber, Mayor's Office, and legal counsel, without objection, he informed the Commission of his decision to prepare the report based on the calendar year rather than fiscal year.
4. Update on the Complaint Log. To date, the Commission has received thirty-six complaints, ten dismissals, and twenty-four investigations.
5. On June 24, 2002, Mr. Walker will make a presentation to the Metropolitan Wastewater Department's Quarterly staff meeting.
6. The Commission has issued its first Advisory Opinion that will be posted onto the website under the Documents section.

Chairperson Leonard requested that Mr. Walker keep track of his presentations for inclusion in the Annual Report. She added that the report should be simple, factual and ultimately, posted on the website. She is not sure if the Commission needs to make a Fall presentation before Counsel.

Ms. Leonard added that the Commission photos are ready and will be forwarded to the Commission on compact disk from photographer, Scott England.

**Agenda Item No. 8 – Deputy City Attorney Comment.**

(Time: 5:57:49 p.m.)

None.

**Agenda Item No. 9 – Ad Hoc Audit Subcommittee.**

(Time: 5:57:53 p.m.)

Commissioner Riel presented the third draft of the Audit Manual with a PowerPoint presentation.

Ms. Riel explained how the manual is broken down with an overview of the audit process, the audit selection process that will take place in February of every calendar year, and the Lobbyist audits.

Based on information provided by Los Angeles and San Francisco, the estimated timeframe for the entire process could take place anywhere from one to three months.

The Chairperson and Executive Director specified that staffing for this process will be contracted out to an independent auditing firm utilized by the City of San Diego. This expense will need to be included in the next fiscal year budget.

Commissioner La Bella suggested taking a look at auditing firms that may be interested in providing work on a “pro bono” basis or at a discount for costs and expenses as a matter of civic pride.

Approval of the Draft Audit Manual will take place at the June 27, 2002 Commission meeting.

**Agenda Item No. 10 – Applicability of the Ethics Ordinance to members of the Housing Commission.** (Time: 6:17:59 p.m.)

Mr. Duvernay presented definitions from the Ethics Ordinance that broadly defines the words “City” and “City Official.” The revolving door provisions apply to compensate City officials, meaning the employees of the City and its agencies, and not to those who are volunteering on boards and commissions.

Mr. Duvernay disclosed that it was brought to the Commission’s attention that CCDC and the Housing Commission’s board members are entitled to receive a stipend. It is his understanding that the majority of these members do not accept this stipend for attendance of the meetings, but it exists, and it is not written as an exception to the definition of compensation. Mr. Duvernay provided suggestions to address the issue.

Speaker: Melvin Shapiro suggested that there should be some type of regulation that would require the Housing Commission Commissioners to file their Statements of Economic Interests (Form 700) with the City Clerk.

Chairperson Leonard asked why the Housing Commissioners file with the Housing Authority.

DCA Duvernay explained the filing exceptions that pertain to the Housing Commission and the Redevelopment Agency. He will explore these exceptions and return with an answer if there’s a legal reason why there needs to be a separate official, and whether or not the City Clerk can perform this function.

Suggestions to revisit the revolving door provision as an Agenda item at a future Council meeting were discussed.

**Agenda Item No.11 - Education, Training, and Awareness Program for individuals falling under the Jurisdiction of the City of San Diego Ethics Commission.** (Time: 6:33:06 p.m.)

Executive Director Charles Walker reported and the Commission discussed the following items:

1. Mr. Walker announced the Ad-Hoc Education Subcommittee's decision to hire Craig P. Dunn, Ph.D., as the consultant to establish the Ethics Commission Education Program. An agreement is being drafted and the costs will be encumbered for this fiscal year. Most of the work developing the curriculum and a pilot program will be conducted from June through August. The target date for training to commence is September.
2. Steve Ross presented a PowerPoint presentation for the "Frequently Asked Questions" [FAQ] he has established for the Commission that will ultimately be posted on the website once fully developed.
3. Commissioner Smith suggested that there be a requirement for any person under contract with the City to review the Ethics Ordinance and indicate that they understand the provisions of the ordinance.
4. Two thousand copies of the Ethics Commission's informational brochure are being printed this week, and will be ready within ten business days.
5. Mr. Walker added that as part of the Commission's education curriculum, a video would be presented to new hires.

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

(Time: 6:46:09 p.m.)

Chairperson Leonard adjourned the meeting at 6:46 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.***