

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

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

Agenda Item No. 1 - Call to Order. (Time: 5:36:28 p.m.)

Chairperson Leonard called the meeting to order at 5:36 p.m.

Agenda Item No. 2 – Roll Call. (Time: 5:36:34 p.m.)

Present – Chairperson Dorothy Leonard, Commissioners Charles La Bella, April Riel, Dorothy Smith, and Greg Vega.

Staff - Executive Director Charles Walker, Deputy City Attorney Rick Duvernay, Legal Assistant Steve Ross, Executive Secretary DonnaLee McCalla.

Excused – Vice-Chairperson Al Gaynor and Commissioner Lisa Foster.

Agenda Item No. 3 – Reporting Results of Closed Session. (Time: 5:38:03 p.m.)

The Commission authorized the Executive Director to conduct a formal investigation on three matters and dismissed three matters.

Excused – Vice-Chairperson Al Gaynor and Commissioner Foster.

Agenda Item No. 4 - Approval of Commission Minutes. (Time: 5:38:25 p.m.)

A correction was made to Item 5, Non-Agenda Comment changing the word “Genius” to “Genesis.”

MOTION TO APPROVE COMMISSION MINUTES OF AUGUST 22, 2002.

Moved/Seconded: Smith/Vega

Vote: Unanimous approval

Excused: Gaynor/Foster

Agenda Item No. 5 - Non-Agenda Comment. (Time: 5:39:18 p.m.)

None.

Agenda Item No. 6 - Commissioner Comment.

(Time: 5:39:23 p.m.)

None.

Agenda Item No. 7 – Executive Directors Comment.

(Time: 5:39:29 p.m.)

Executive Director Charles Walker reported on the following:

1. Announcement of the Commission’s third Advisory Opinion regarding Lobbying will be posted on the web site.
2. To date, the Commission has received 49 complaints with 19 active matters.
3. On September 13, 2002, the County of San Bernardo’s newly appointed ethics officials will be visiting the Commission to observe its operations.
4. A speaking engagement before the San Diego Data Processing Corporation on September 21, 2002.
5. On September 19, 2002, the Ethics Commission will host an FPPC “Interested Persons Meeting,” in anticipation of taking regulatory action with regard to the Political Reform Act, specifically the Conflict of Interest provisions.
6. Mr. Walker will be attending the Council on Governmental Ethics Laws [COGEL] Annual Conference in Ottawa at the end of September. He will be on a panel for Municipal Ethics issues on September 29th.
7. The Values Center at USD has invited the Commission to a Gathering of Ethics Practitioners on October 1, 2002. A request to provide a panel to give an overview of the Commission’s progress within this past year.

Agenda Item No. 8 – Deputy City Attorney Comment.

(Time: 5:46:36 p.m.)

None.

Agenda Item No. 9 - Proposed Audit Manual.

(Time: 5:46:52 p.m.)

Chairperson Leonard reported on her discussions with the Mayor’s office and Mr. Walker, the potential schedule for the audit procedures:

1. Last opportunity for public comment on September 12, 2002.
2. The Ad-Hoc Audit Subcommittee to meet next week to review the comments received and coordinate with staff to make any recommended changes.
3. A request has been submitted to go before the Rules Committee on September 25, 2002, to present an outline of the Audit Procedures.

4. Obtain input from the Rules Committee. Return to the Commission with the new draft at its meeting on September 26, 2002.
5. Distribute the new draft to all individuals who submitted comments on the Audit Procedures for review and return for additional comment at the September 26th Commission meeting.
6. Return to the Rules Committee with the Draft Ordinance, depending on the amount of comment, at the meeting of October 16 or 30th for action on the Draft Audit Manual. This will allow the Commission to present it before the City Council in November.

Public Comment

Speaker (extended time granted) – April Boling presented extensive comments throughout the entire audit manual. Her main concern was the establishment of jurisdiction. When auditing a committee, would the Commission have jurisdiction to audit all applicable law regarding that committee?

Discussion took place on the different scenarios presented. Chairperson Leonard requested that Ms. Boling submit her written comments on the audit manual for review by the Ad-Hoc Audit Subcommittee.

Speaker – Melvin Shapiro presented his comments and suggestions on the audit manual; specifically, audits conducted concerning campaign contributions and vendor debt.

Commissioner Riel commented that the Audit Manual is being docketed to present before the Rules Committee, and specified that the jurisdiction on the issue of mass mailings is a critical item. Should this item be discussed prior to finalizing the audit procedures?

Legal Opinion

Deputy City Attorney Duvernay recommended that the audit procedures focus on the local governmental rules that are included in ECCO and specified that Ms. Boling brought attention to the potential gap in ECCO with regards to mass mailings. If, after the election, a workshop to review an update to ECCO is conducted, these issues can be discussed. Once ECCO is amended and revised, these issues can be incorporated by reference to the State or, reiterate it, and then the Audit Manual can be revised at that point.

Agenda Item No. 10 – Education, Training, and Awareness Program for individuals falling under the jurisdiction of the City of San Diego Ethics Commission. (Time: 6:48:54 p.m.)

Executive Director Charlie Walker reported as follows:

1. On September 11, 2002, the Rules Committee unanimously approved the proposed amendment to Council Policy No. 000-04, which implements mandatory ethics training under the Commission's jurisdiction. The Commission will appear before the City Council on September 4, 2002.
2. Presented an overview regarding the status of the education program in anticipation of its actual implementation:
 - a. During the month of August, Commission staff and its consultant, Dr. Craig Dunn, met with individuals from the three target audience groups to obtain feedback in the development of case vignettes.
 - b. Dr. Dunn has agreed to conduct a pilot training on September 20, 2002. The pilot will address the unclassified city managers.
 - c. A scheduling conference will take place on September 20, 2002, to coordinate calendars to begin Ethics Education Training Program.
 - d. The Mayor, Councilmembers, and their staff will be given priority in the scheduling of their training. This task is anticipated to be completed by years' end.
 - e. The Councilmembers leaving office will be delayed until after the November election.
 - f. The City Manager requested that the November 14, 2002, Deputy Directors meeting be designated as a training session.
 - g. A data base will be established to monitor the training sessions.
 - h. Chairperson Leonard indicated to the City Council that the Commission may need additional staff as these issues take place.

On September 12, 2002, the Ad-Hoc Education Subcommittee met with SDDPC concerning the Commission's efforts to develop a web-based certification program for the biennial training. This effort is anticipated to be included in fiscal year 2004 budget.

Agenda Item No. 11 – Draft Hearing Procedures.

(Time: 7:02:18)

Deputy City Attorney Rick Duvernay introduced the Draft Hearing Procedures and requested the Commissioners review for discussion at the next two Commission meetings. Mr. Duvernay stated the importance in memorializing these procedures to alleviate complications during the administrative hearing process. Upon finalization, the procedures will be posted onto the web site.

Mr. Duvernay presented the three areas recommended for modification:

1) Discovery; 2) Pre-hearing exchange of information; and 3) Evidence.

Agenda Item No. 12 – Adjournment.

(Time: 7:11:40 p.m.)

Chairperson Leonard adjourned the meeting at 7:11 p.m.

Dorothy Leonard, Chairperson
Ethics Commission

DonnaLee McCalla, Executive Secretary
Ethics Commission

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