

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

**September 26, 2002
5:30 p.m.
City Administration Building
Council Committee Room
202 C Street, 12th Floor**

Agenda Item No. 1 - Call to Order. (Time: 5:37:25 p.m.)

Chairperson Leonard called the meeting to order at 5:37 p.m.

Agenda Item No. 2 – Roll Call. (Time: 5:37:31 p.m.)

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

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

Excused – Vice-Chairperson Al Gaynor.

Agenda Item No. 3 – Reporting Results of Closed Session. (Time: 5:37:38 p.m.)

One matter was pulled from the Agenda, and the Commission voted unanimously to dismiss one matter.

Excused – Al Gaynor.

Agenda Item No. 4 - Approval of Commission Minutes. (Time: 5:37:53 p.m.)

MOTION TO APPROVE COMMISSION MINUTES OF SEPTEMBER 12, 2002.

Moved/Seconded: Vega/La Bella

Vote: Unanimous approval

Excused: Gaynor

Agenda Item No. 5 - Non-Agenda Comment. (Time: 5:38:15 p.m.)

None.

Agenda Item No. 6 - Commissioner Comment.

(Time: 5:38:21 p.m.)

Chairperson Leonard reported that the Ethics Commission made its presentation to the City Council on Tuesday, September 24, 2002, regarding the Education Program and the revisions to Council Policy No. 000-04 that were unanimously approved.

Agenda Item No. 7 – Executive Directors Comment.

(Time: 5:38:59 p.m.)

Executive Director Charles Walker reported on the following:

1. On Friday, September 20, 2002, the Pilot Program was conducted consisting of representatives from the unclassified City employees. Dr. Dunn conducted the 3-hour training. Chairperson Leonard and Commissioner Smith were present.
2. On Friday, September 27, 2002, a modified pilot will be conducted with staff in preparation for the training session of the Mayor and his staff.
3. Ethics Training is currently being scheduled with each Council office and is anticipated to be completed by November 1, 2002.
4. On November 14, 2002, a training session for unclassified City employees will take place at the City Manager's Quarterly Meeting consisting of Department heads.
5. On September 19, 2002, the Ethics Commission hosted an FPPC Interested Person's Meeting. Its purpose was to review conflicts of interest with regard to general plan issues. Commissioner Smith attended.
6. Mr. Walker reminded the Commission of the October 1, 2002 event at USD. Chairperson Leonard, Commissioners Foster, Riel, La Bella, Smith, and DCA Duvernay will be attending. The Commissioners will present a background of the Commission and its accomplishments to date.
7. The California Political Lawyer's Association had its annual conference. Mr. Walker received feedback from attendees of the conference, and was apprised that the City Ethics Commission was widely discussed.
8. Next week, Mr. Walker will be in Ottawa attending the COGEL Conference. He will be meeting the executive directors of other jurisdictions in California.
9. Update on statistics -- To date, the Commission has received 50 complaints and 18 are currently active.

Agenda Item No. 8 – Deputy City Attorney Comment.

(Time: 5:47:31 p.m.)

None.

Agenda Item No. 9 - Interim Vice Chairperson.

(Time: 5:47:35 p.m.)

Chairperson Leonard announced that she will be out of the country for the next two Commission meetings.

NOMINATION OF DOROTHY SMITH AS INTERIM VICE-CHAIR DURING THE MEDICAL RECOVERY OF THE CURRENT VICE-CHAIR.

Moved/Seconded: Foster/Vega

Vote: Unanimous approval

Excused: Gaynor

Agenda Item No. 10 – Ad-Hoc ECCO Subcommittee.

(Time: 5:48:44 p.m.)

Chairperson Leonard announced that the Ad-Hoc ECCO Subcommittee will begin developing strategies, but will not take any action until after the November election.

MOTION TO APPOINT LISA FOSTER AND APRIL RIEL TO THE AD-HOC ECCO SUBCOMMITTEE.

Moved/Seconded: Smith/La Bella

Vote: Unanimous approval

Excused: Gaynor

Agenda Item No. 11 -- Ad-Hoc Executive Director Evaluation Subcommittee.

(Time: 5:50:10)

MOTION TO APPOINT GREG VEGA AND DOROTHY SMITH TO THE AD-HOC EXECUTIVE DIRECTOR EVALUATION SUBCOMMITTEE.

Moved/Seconded: La Bella/Foster

Vote: Unanimous approval

Excused: Gaynor

Agenda Item No. 12 -- Ad-Hoc Revolving Door Subcommittee. (Time: 5:50:42)

Chairperson Leonard reported the Subcommittee's vote on whether or not to move forward on revisiting the Revolving Door provision. The majority was in support of postponing activity until a later date, and the minority recommended moving forward immediately. The Commissioners voted 3-3 at the last meeting.

Commissioner Foster presented her vote to move forward immediately on the issue.

MOTION TO MOVE FORWARD AT THIS TIME WITH PROPOSING REVISIONS TO THE REVOLVING DOOR PROVISION OF THE ETHICS ORDINANCE.

Moved: Foster/Riel

Vote: Yeas, Foster, Vega, Riel, La Bella; Nays, Smith, Leonard

Motion passed 4-2

Excused: Gaynor

The Revolving Door Subcommittee consists of Chairperson Leonard, Vice-Chair Gaynor, and Commissioner Riel. Ms. Leonard and Mr. Gaynor will be unavailable to participate. DCA Duvernay specified that a subcommittee is not a prerequisite to moving forward with a policy direction of the full Commission. Volunteers to commence working on the issue: Commissioners Riel and La Bella.

Agenda Item No. 13 – Draft Hearing Procedures.

(Time: 6:57:13)

Mr. Walker reported that the driving force of these procedures was the non-existence of hearing procedures from other jurisdictions that were contacted.

Staff met with Commissioner Foster and obtained her suggestions that were incorporated into the strikeout version provided to the Commission for review.

The Commission asked to review the procedures, and anticipated action on this item at the second meeting in October. The public has had access to the document for review as part of the Agenda.

DCA Duvernay presented additional language and requested the Commission to consider adding it to the procedures as an article regarding ex parte communications. Another draft will be provided at the next meeting for discussion.

Agenda Item No. 14 -- Proposed Audit Manual.

(Time: 6:02:22)

Item 14 was taken out of order to accommodate public comment for Item 14.

Commissioner Vega reported that on September 25, 2002, an overview of the Proposed Audit Manual was presented before the Rules Committee.

Commissioner Riel presented the PowerPoint presentation of the changes that were incorporated into the current Proposed Audit Manual. Recommended modifications were discussed.

SPEAKER: Stanley Imber, Co-Chair of Common Cause of San Diego County, commended the Commission for its proposal to audit reports by campaign committees and disclosure reports by lobbyists. He expressed that this is a

singularly important action that will provide certain basic information for the monitoring function of the Commission.

Chairperson Leonard responded that good dialogue was received at the Rules Committee and she indicated that with the mandatory training, additional staffing is needed. Additionally, Ms. Leonard mentioned the need for additional funds to conduct audits. She proposed the following timeline:

1. The Audit Subcommittee conduct a meeting and return with another revised draft at the next meeting.
2. Depending on the number of revisions, forward the draft to the Treasurers that have commented for review.
3. Return to the second Commission meeting in October for approval.
4. Upon approval, submit the Proposed Audit Manual to the City Council.
5. This item is scheduled to return to the Rules Committee on November 20, 2002.
6. Provide an advance copy of the manual to the Rules Committee to allow for review.
7. Offer to meet with the Committee and schedule meetings to obtain comments prior to returning to the Rules Committee.

Discussion continued regarding the Commission utilizing an outside auditing firm to conduct the audits. Different scenarios were presented. The consensus of the Commission is to use an outside firm.

Agenda Item No. 15 – Adjournment.

(Time: 7:02:47 p.m.)

Chairperson Leonard adjourned the meeting at 7:02 p.m.

Dorothy Smith, Interim Vice-Chair
Ethics Commission

DonnaLee McCalla, Executive Secretary
Ethics Commission

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UPON REQUEST.***