



**Minutes for Meeting of
Thursday, November 7, 2002**

Item-1: Call to Order. (Time: 5:37:20 p.m.)

Chairperson Dorothy Leonard called the meeting to order.

Item-2: Roll Call. (Time: 5:37:29 p.m.)

Present – Chairperson Dorothy Leonard, Vice-Chairperson Albert Gaynor, 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.

Item-3: Reporting Results of Closed Session. (Time: 5:37:35 p.m.)

Chairperson Leonard reported the results of the Closed Session:

Item 1 – In the matter of Byron Wear, Case No. 2002-03

The Commission voted 7-0 to approve a Settlement Agreement with Mr. Wear. Copies of the agreement and Press Release were made available.

Item 2 – Initiation of Litigation, Case No. 2002-60

The Commission voted 7-0 to approve dismissal of the matter.

Item-4: Approval of Commission Minutes.

(Time: 5:38:19 p.m.)

APPROVAL OF COMMISSION MINUTES OF THE MEETING OF OCTOBER 24, 2002.

Motion/Second: Gaynor/Smith

Vote: 5-0

Abstained: Leonard/La Bella

Item-5: Non-Agenda Public Comment.

(Time: 5:38:45 p.m.)

Speaker Cynthia Conger requested an investigation into the conflicts of interest of Ms. Nakamura from the recent school board elections.

Chairperson Leonard responded that the Ethics Commission does not have jurisdiction over the school board candidates. In the State of California, school districts are not under the jurisdiction of city governments.

Item-6: Commissioner Comment.

(Time: 5:41:25 p.m.)

Chairperson Leonard thanked Commissioner Dorothy Smith for acting as Interim Chair while she was on vacation, and welcomed back Vice-Chairperson Gaynor from his medical recovery.

Commissioner Vega was invited to speak at the San Diego Jewish Academy to discuss ethics. Mr. Vega found it to be an outstanding program where the academy is trying to teach ethics to high school students, and that it might be something that fellow commissioners may want to look into. The academy expressed that it would like to have other speakers periodically. It was a very positive experience.

Item-7: Executive Director Comment.

(Time: 5:42:51 p.m.)

Executive Director Charles Walker reported on the following:

1. The ethics training is proceeding and about to conclude for the Councilmembers and their staffs. Arrangements are being made for the newly elected Councilmembers and their staffs to schedule training by year-end.
2. On November 14, 2002, the City Manager and Deputy Directors will begin their ethics training.
3. Mr. Walker presented the certificates of completion that were developed by the Commission's secretary, and will be given to each individual who completes the education training. A certificate was presented to Chairperson Leonard and Commissioner Smith.

4. Mr. Walker presented his general observations concerning the general election and the effectiveness of the enforcement procedures, and commended the Commission for their hard work in the development of the procedures.

Mr. Walker thanked The Lincoln Club, League of Conservation Voters, Firefighters Local 145 who worked with the commission in good faith to understand the Commission's view on how independent expenditures could be made, and not be in violation with the Campaign Control Ordinance, and the groups who responded to the stipulations that are posted on the website. The experience obtained during this election cycle has been helpful as we proceed to update and revise the campaign control laws within the City.

5. In conclusion, Mr. Walker thanked his staff, DonnaLee McCalla and Stacey Fulhorst for keeping the Commission's daily operations organized and conducting outstanding investigations that have proven to be essential to this entire process. Mr. Walker also thanked City Attorney staff, Rick Duvernay and Steve Ross for their great legal advice and research with regard to these complex issues.

Item-8: Deputy City Attorney Comment.

(Time: 5:53:55 p.m.)

Mr. Duvernay briefly informed the Commission that he was contacted by the Assistant City Attorney of the City of Los Angeles City Attorney's Office who informed him that the City of Los Angeles is planning to address a letter to the California Supreme Court urging the de-publishing of a Court of Appeal decision in the matter *Davis v. The Taxpayer Alliance Group*, regarding the airing of attack ads against Governor Davis concerning his handling of the energy crisis. They asked the City of San Diego to join in their request for de-publication. Mr. Duvernay is working this through the channels within the City Attorney's office. A copy of the letter would be available upon request

Item-9: Amendment to Legislative Calendar.

(Time: 5:57:59 p.m.)

ACTION TO MOVE THE NOVEMBER 14, 2002 COMMISSION MEETING TO NOVEMBER 7, 2002, AND THE DECEMBER 12, 2002 COMMISSION MEETING TO DECEMBER 11, 2002.

Motion: Foster

Seconded: Smith

Vote: 7-0

Commissioner Smith indicated that she will not be attending the December 11, 2002 meeting.

Item-10: Adoption of Commission Calendar for 2003.

(Time: 6:00:09 p.m.)

APPROVAL OF THE COMMISSION CALENDAR FOR 2003.

Motion: Smith

Seconded: Riel

Vote: 7-0

Calendar will be published on the website at www.sandiego.gov/ethics.

Item-11: Ad-Hoc Revolving Door Subcommittee.

(Time: 6:01:03 p.m.)

Commissioners Riel and La Bella presented the Ad-hoc Revolving Door Subcommittee's PowerPoint presentation with case vignettes regarding the proposed language for the revolving door provision.

The proposed revolving door provision has three basic components:

1. One-year cooling off period; no change to the current law.
2. A project lobbying ban for as long as the project is pending.
3. An indirect project lobbying ban for as long as the project is pending.

Speaker Melvin Shapiro stated his understanding that this provision applies to compensated officials. He presented an example of a Planning Commissioner who is uncompensated, returning the next day to become a lobbyist. Is this a loophole? If you are a lobbyist and not registered, what is the incentive for registering if there is no penalty for not registering? He stated that this issue is not precisely the revolving door provision, but wanted to address it.

Chairperson Leonard responded that the lobbyist issue will be addressed when the Lobbying Ordinance is reviewed at a later date. She continued that this is a review of the revolving door provision, and not the section of the ordinance that pertains to the exclusion of volunteers.

Timeline for the Revolving Door Provision:

1. Clarify the language;
2. Return to the next Commission meeting and obtain approval;
3. Present issue to the Mayor and City Council offices to obtain input;
4. Final presentation to the Mayor's Office prior to the Rules Committee to ensure that all questions are answered.

This item will be placed on the December 11, 2002 Agenda.

Item 12: Overview of the Election Campaign Control Ordinance [ECCO].

(Time: 6:33:50 p.m.)

Commissioner Foster introduced the Ad-hoc ECCO Subcommittee report:

On November 7, 2002, the subcommittee set out its proposed schedule and procedures for amending ECCO. The first step was to educate the Commission with a walk-through of the ordinance, and begin to flag the areas of concern.

On December 11, 2002, Robert Stern, Center for Governmental Studies, will make a presentation and talk extensively on what other jurisdictions have accomplished. This will allow the Commission to obtain ideas on how ECCO might be amended, and obtain Mr. Stern's input on specific provisions that may need to be added or deleted.

In January 2003, the Commission will begin to hold a public forum where we will obtain input from the public about what the problems are and how they feel the ordinance should be changed.

Deputy City Attorney Rick Duvernay and Joyce Lane, City Clerk presented an overview of the Election Campaign Control Ordinance [ECCO] to educate the Commission as to what exists today, and where there are issues.

The January Workshop Timeline:

1. A Saturday public forum to be scheduled and notice to all the stakeholders.
2. Issuance of a Press Release prior to Mr. Stern's presentation with general information that there will be follow-up workshops in January, and possibly into February.
3. Late December or early January, issue another Press Release more specifically describing the January workshop.

Item 13: Adjournment.

(Time: 7:57:35 p.m.)

Chairperson Dorothy Leonard adjourned the meeting.

Dorothy Leonard, Chairperson
Ethics Commission

DonnaLee McCalla, Executive Secretary
Ethics Commission

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