



**Minutes for Meeting of
Thursday, October 23, 2003**

Item-1: Call to Order.

Chairwoman Dorothy Smith called the meeting to order at 5:05 p.m.

Item-2: Roll Call.

Present – Chairwoman Dorothy Smith, Commissioners Charles H. Dick, Jr., Dorothy Leonard, Karen Thomas-Stefano, April Riel, and Gregory Vega.

Staff – Deputy City Attorney Dave James, Legal Assistant Steve Ross, Investigator Stacey Fulhorst, Executive Secretary Janet MacFarlane.

Item-3: Non-Agenda Public Comment.

Dr. Stanley Imber, Co-Chair of Common Cause, addressed the issue of the recent resignation of Edward Kolker. He urged the commission not to support changing the restriction of commissioners from contributing to elected officials. He further recommended that an independent group, such as retired judges, be used to appoint members to the Ethics Commission.

Item-4: Commissioner Comment.

Commissioner Greg Vega reported that Commissioner Dick would be honored at the annual Trial Lawyers Dinner with the San Diego trial bar's 2003 Daniel T. Broderick III Award.

Item-5: Comment from the Office of the Executive Director.

Investigator Fulhorst reported that two additional training videos, one for elected officials and their staff, and one for unclassified city employees, are near completion. These video tapes will be made available to those not receiving live trainings from Ethics Commission staff. Also, those members of Boards and Commissions that

have not returned certificates of ethics training would be contacted by mail once their status on the Boards or Commissions has been verified by their respective liaisons.

Item-6: Deputy City Attorney Comment.

No report.

Item-7: Recent Resignation of Ethics Commissioner

Deputy City Attorney Dave James reported that the Commission's votes at its meeting of October 9, 2003, were valid. He explained Mr. Kolker's voting did not invalidate actions taken, and there was no legal reason the Commission need revote on any matter acted upon at the meeting.

Ed Kolker stated he wished to apologize to the Commission to the extent that he might have impugned the reputation of the Commission. He said the law prohibiting campaign contributions was appropriate, and he made a mistake. He recommended a due process provision be included in the current ordinance.

Ian Trowbridge stated it was a question of law and ethics. He felt there was an apparent conflict of interest when you write a public official a check.

The Commissioners individually responded to Mr. Kolker, indicating they had the highest regard for his personal integrity, acknowledging the invaluable contribution he has provided to the Commission. The Commission noted it was not their role, and it would be inappropriate for the Commission to advise the Mayor and Council how to fill the current vacancy.

Motion: To form an ad hoc subcommittee to review Division 4 of the Municipal Code and report back to the full Commission any suggested modifications.

Moved/Seconded: Leonard/Riel

Vote: Unanimous

Commissioners Stefano and Dick will serve on the committee with Chairwoman Dorothy Smith serving as ex-officio member.

Item-8: Approval of Commission Minutes

APPROVAL OF COMMISSION MINUTES OF THE MEETING OF OCTOBER 9, 2003

Motion: Approve minutes as amended

Motion/Second: Leonard/Vega

Vote: Unanimous

Item-9: Reporting Results of Closed Session

Chairwoman reported the results of the Closed Session Meeting of October 9, 2003, as follows:

Item 1: Conference with Legal Counsel (24 Potential Matter)

Case Nos. 2003-32 to 2003-43 and 2003-45 to 2003-55

Motion: Initiate investigation on all cases but Case Nos. 2003-33, 2003-43 and 2003-54

Motion/Second: Leonard/Kolker

Vote: Unanimous

Excused: Dick/Riel

Case No. 2003-44

Motion: Initiate investigation

Vote: Unanimous

Excused: Dick/Vega

Item-10: Proposed Amendment to Conflict of Interest Codes for Land Use Committees.

No action required.

Item-11: Adjournment.

Chairwoman Dorothy Smith adjourned the meeting at 6:05 p.m.

Dorothy L. Smith, Chairwoman
Ethics Commission

Janet MacFarlane, Executive Secretary
Ethics Commission

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