



**Minutes for Meeting of
Thursday, February 26, 2004**

Item-1: Call to Order.

Chairwoman Dorothy Smith called the meeting to order at 5:00 p.m.

Item-2: Roll Call.

Present – Chairwoman Dorothy Smith, Commissioners Dorothy Leonard, April Riel, Karen Thomas-Stefano, and Larry W. Westfall.

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

Excused – Commissioners Charles H. Dick, Jr., and Greg Vega

Item-3: Reporting Results of Closed Session.

Chairwoman Smith reported the results of the Closed Session Meeting of February 12, 2004.

Item 3: Conference with Legal Counsel (1 Potential Matter)

Case No. 2003-48

Motion: Approve Stipulated Agreement

Moved/Seconded: Stefano/Leonard

Vote: Unanimous

Excused: Riel

Item 2: Conference with Legal Council (5 Potential Matters)

Case No. 2003-56

Motion: Dismiss
Moved/Seconded: Dick/Stefano
Vote: Unanimous
Excused: Riel

Case No. 2004-01

Motion: Dismiss
Moved/Seconded: Dick/Leonard
Vote: Unanimous
Excused: Riel

Case No. 2004-02

Motion: Dismiss
Moved/Seconded: Leonard/Vega
Vote: Unanimous
Excused: Riel

Case No. 2003-67

Motion: Dismiss
Moved/Seconded: Vega/Stefano
Vote: Unanimous
Excused: Riel

Case No. 2003-35

Motion: Dismiss
Moved/Seconded: Stefano/Leonard
Vote: Unanimous
Excused: Riel

Item 1: Conference with Legal Counsel (2 Potential Matters)

Case No. 2004-04

Motion: Authorize Investigation
Moved/Seconded: Dick/Westfall
Vote: Unanimous
Excused: Riel

Case No. 2004-03

Motion: Recuse Commissioner Vega
Moved/Seconded: Leonard/Stefano
Vote: Unanimous
Excused: Riel, Vega

Motion: Authorize Investigation
Moved/Seconded: Stefano/Westfall
Vote: Unanimous
Excused: Riel, Vega

Item-4: Approval of Commission Minutes.

APPROVAL OF COMMISSION MINUTES OF FEBRUARY 12, 2004

Motion: Approve minutes of February 12, 2004
Moved/Seconded: Stefano/Leonard
Vote: Unanimous
Abstained: Riel
Excused: Dick/Vega

Item-5: Non-Agenda Public Comment.

None.

Item-6: Commissioner Comment.

None.

Item-7: Executive Director Comment.

None.

Item-8: Deputy City Attorney Comment.

None.

Item 9: ECCO Revisions Considered at Rules Committee Meeting of Wednesday, January 21, 2004.

Stacey Fulhorst compared the city's current and recommended revisions to ECCO with state law.

Motion: Mass mailings to include "Paid for By;" remove "not authorized" language, "Paid for By" must be at least 12-point type with contrasting color. Billboard "Paid for By" in a size visible to passing motorists.

Moved/Seconded: Leonard/Riel
Vote: Unanimous
Excused: Dick/Vega

Motion: Incorporate language from state law regarding independent expenditures committees supporting or opposing ballot measures; must identify the committee,

contributors of \$10,000 or more, and the contributors' interests. "Paid for By" must use at least 12-point type with contrasting color.

Moved/Seconded: Leonard/Riel

Vote: Unanimous

Excused: Dick/Vega

Motion: Maintain current policy on independent expenditures supporting a candidate, modified to require advertisements must include "Paid for By," which will substitute the current requirement that advertisements must say "Not authorized or paid by." "Paid for By" must use at least 12-point type and contrasting color.

Moved/Seconded: Riel/Leonard

Vote: Unanimous

Excused: Dick/Vega

Motion: Maintain current policy of deferring enforcement of contributions from foreign entities to federal and state authorities.

Moved/Seconded: Leonard/Stefano

Vote: Unanimous

Excused: Dick/Vega

Item 10: Status Report from Ad Hoc Committee to Review Division 4 of the San Diego Municipal Code

Mel Shapiro stated that San Diego Municipal Code Section 26.0455 states the public cannot be given the names of complainants in Ethics Commission investigations, but does not mention that members of the City Council cannot have access to this information. He recommended the section be amended to indicate that public officials are prohibited from accessing the names of complainants.

By consensus, the Commission continued this item to its meeting of Thursday, March 11, 2004.

Item 11: Adjournment to Closed Session

Chairwoman Dorothy Smith adjourned the meeting to Closed Session at approximately 6:20 p.m. She stated if the Commission took any action that must be reported pursuant to the Brown Act, the Commission would reconvene into Open Session to report on that action.

Dorothy L. Smith, Chairwoman
Ethics Commission

Janet MacFarlane, Executive Secretary
Ethics Commission

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