



**Minutes for Meeting of  
Thursday, October 9, 2008**

**Item-1: Call to Order**

Chairman Cabrera called the meeting to order at 5:00 p.m.

**Item-2: Roll Call**

Present – Chairman Guillermo Cabrera, Vice-Chair Richard Valdez, Commissioners Lee Biddle, Clyde Fuller, ( Krishna Haney by teleconference), Dorothy Leonard, and Larry Westfall

Staff – Executive Director Stacey Fulhorst, General Counsel Alison Adema, Program Manager Steve Ross, Senior Investigator Lauri Davis, Investigator Kacy Green, Auditor Rosalba Gomez and Executive Secretary Katherine Hunt

**Item-3: Approval of Commission Minutes**

**Approval of Ethics Commission Minutes of September 11, 2008**

Motion: Approve  
Moved/Seconded: Valdez/Fuller  
Vote: Carried Unanimously  
Abstained: Leonard/Haney

**Item-4: Non-Agenda Public Comment**

None

**Item-5: Commissioner Comment**

Chairman Cabrera reported that there was concern expressed by several City Councilmembers during a recent meeting of the Rules Committee that the level of

the Commission's fines may discourage individuals from running for public office. He related that he explained to the Councilmembers that the Commission uses the fines issued by the Fair Political Practices Commission (FPPC) as guidelines as well as many other factors when determining fines. He added that Councilmember Madaffer indicated that the Commission's focus should be on education to prevent future enforcement actions. Chairman Cabrera reported that he advised the Rules Committee that the Commission has a very responsive and active education program.

**Item-6: Executive Director Comment**

Director Fulhorst thanked Chairman Cabrera for making time during the last several weeks to appear before the City Council for numerous Commission presentations as well as making himself available to the media. She noted that it was important for the Commission Chair to represent the Commission before the City Council and with the media, because it indicates that Commissioners are involved and participating in Commission matters.

**Item-7: General Counsel Comment**

Ms. Adema commented on updates that were made by staff to a fact sheet concerning acceptance of tickets and invitations. She advised that the updates reflect recent changes made to the Fair Political Practices Commission's regulations on tickets and invitations to political fundraisers and 501(c)(3) fundraisers. She noted that the new rules will only exempt one ticket per event from the gift laws. She added that the tickets need to be received directly from the 501(c)(3) or the political committee, and not from a third party.

**Item-8: Proposed Amendments to Municipal Lobbying Ordinance**

Director Fulhorst reported that the City Council Rules Committee unanimously approved the Commission's recommended changes to the Lobbying Ordinance and forwarded them on to the full City Council. She noted that representatives from the Labor Council and Chamber of Commerce attended the Committee meeting and spoke in favor of the changes.

**Item-9: Presentation of Final Audit Report Regarding the Audit of the Donna Frye for Mayor 2005 Committee**

Commission Auditor Rosalba Gomez presented the report and noted that there were no material findings.

Motion: Accept Report  
Moved/Seconded: Leonard/Valdez  
Vote: Carried Unanimously

**Item-10: Presentation of Final Audit Report Regarding the Audit of the Tony Young for City Council 2006 Committee**

Commission Auditor Rosalba Gomez presented the report and noted that there were no material findings.

Commissioner Leonard commented that the Commission's education and outreach iss working well, as evidenced by the increased number of audit reports presented without material findings, and noted this information needs to be conveyed to the City Councilmembers.

Chairman Cabrera indicated he would convey that information to the Council.

Motion: Accept Report  
Moved/Seconded: Leonard/Biddle  
Vote: Carried Unanimously

**Item-11: Adjournment to Closed Session**

Chairman Cabrera adjourned the meeting to Closed Session at approximately 5:15 p.m. He stated the Commission would reconvene into Open Session following the conclusion of Closed Session in order to report any action taken during the closed session portion of the meeting.

**Reconvene to Open Session**

Chairman Cabrera called the meeting back into open session at approximately 5:40 p.m.

**Reporting Results of Closed Session Meeting of October 9, 2008**

Chairperson Cabrera reported the results of the Closed Session Meeting of October 9, 2008.

**Item-1: Conference with Legal Counsel** (3 potential matters)

**Case No. 2008-59 – In Re: Alleged Failure to File Lobbying Reports**

Motion: Initiate Investigation  
Vote: Carried Unanimously

**Case No. 2008-60 – In Re: Alleged Failure to File Lobbying Reports**

Motion: Initiate Investigation  
Vote: Carried Unanimously

**Case No. 2008-61 – In Re: Alleged Solicitation of Campaign Contributions from City employees**

Motion: Initiate Investigation

Vote: Carried Unanimously

**Item-2: Conference with Legal Counsel** (4 potential matters)

**Case No. 2008-03 – In Re: Alleged Participation in Municipal Decision Affecting Economic Interests**

Motion: Dismiss

Vote: Carried Unanimously

**Case No. 2008-12 – In Re: Unlawful Lobbying of City Officials by former City Official**

Motion: Dismiss

Vote: Carried Unanimously

**Case No. 2008-25 – In Re: Alleged Failure to Properly Deposit Campaign Contributions**

Motion: Dismiss

Vote: Carried Unanimously

**Case No. 2008-55 – In Re: Alleged Misuse of Position by City Official**

No Reportable Action

**Adjournment**

The meeting adjourned at approximately 5:40 p.m.

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Guillermo Cabrera, Commission Chair  
Ethics Commission

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Kathy Hunt, Executive Secretary  
Ethics Commission

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