



**Minutes for Meeting of
Thursday, October 8, 2009**

Item-1: Call to Order

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

Item-2: Roll Call

Present – Chairman Richard Valdez, Vice Chair Clyde Fuller, Commissioners Lee Biddle, Guillermo Cabrera, 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

Excused – Commissioner Dorothy Leonard

Item-3: Approval of Commission Minutes

Approval of Ethics Commission Minutes of September 10, 2009

Motion: Approve

Moved/Seconded: Cabrera/Fuller

Vote: Carried Unanimously

Excused: Leonard

Item-4: Non-Agenda Public Comment

None

Item-5: Commissioner Comment

Commissioner Cabrera referred to a media report concerning the Fair Political Practices Commission's investigation of an Assemblyman and suggested that the

Commission staff could monitor local campaign activities to identify similar situations.

Chairman Valdez reported that the Commission has received Commissioner Haney's resignation letter, and that the Mayor and Council have been informed of the vacancy on the Commission.

Item-6: Executive Director Comment

Director Fulhorst reported on the following matters:

- The Mayor's Office is awaiting a second opinion from the City Attorney's office before moving forward with the appointment process to fill vacancies on the Ethics Commission.
- The Rules Committee voted on September 16, to forward the Commission's proposed changes to the Lobbying Ordinance to the full City Council. However, the City Attorney's Office declined to sign off on the Request for Council Action because of concerns regarding the provision requiring the volunteer chair of an organization lobbyist to report his or her lobbying activities. In order for the changes to be effective January 1, 2010, they will need to be scheduled for Council approval by November 10, 2009. The City Attorney will need to sign off on the request for Council Action by October 27, in order to meet this deadline.

Chairman Valdez asked if the City Attorney's Office has any other concerns with the proposed changes.

Director Fulhorst responded that staff is not aware of any others, although they could have developed more concerns since their last communication with staff.

Item-7: General Counsel Comment

None

Item-8: Proposed Amendments to Municipal Lobbying Ordinance

Chairman Valdez advised that at the September 16 Rules Committee meeting, the Committee approved the Commission's recommended amendments and directed the Commission to review the current exemption for public agency consultants.

He stated that in response to the Committee's request, the Commission docketed this matter in order to receive public input. He advised that the item will also be docketed for discussion at the November meeting.

Simon Mayeski commented that in the interest of disclosure, he supports eliminating the exemption for consultants representing public agencies.

Item-9: Presentation of Final Audit Report Regarding the Citizens Against Corruption: No on C Committee

Commission Auditor Rosalba Gomez presented the findings of the audit and advised that there were no material findings.

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

Item-10: Adjournment to Closed Session

Chairman Valdez adjourned the meeting to Closed Session at approximately 5:20 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 Valdez called the meeting back into open session at approximately 6:10 p.m.

Reporting Results of Closed Session Meeting of October 8, 2009

Chairman Valdez reported the results of the Closed Session Meeting of October 8, 2009

Item-1: Conference with Legal Counsel (2 potential matters)

Case No. 2009-96 - In Re: Alleged Failure to Disclose Economic Interests

Motion: Initiate Investigation
Vote: Carried Unanimously
Excused: Leonard

Case No. 2009-97 – In Re: Alleged Acceptance of Contributions in Violation of Contribution Limit and Source Restrictions

Motion: Initiate Investigation
Vote: Carried Unanimously
Excused: Leonard

Item-2: Conference with Legal Counsel (7 potential matters)

Case No. 2008-79 – In Re: Dante Dayacap - Alleged Misuse of City Position

Motion: Order a Probable Cause Hearing and Authorize the issuance of a Probable Cause Report and Draft Administrative Complaint. Hearing scheduled for December 11, 2009 at 9:00 a.m.

Vote: Carried Unanimously

Excused: Leonard

Case No. 2009-36 – In Re: – Alleged Failure to timely file Campaign Statements

No Reportable Action

Case No. 2009-37 – In Re: – Alleged Failure to timely file Campaign Statements

No Reportable Action

Case No. 2009-38 – In Re: Alleged Failure to Timely File Campaign Statements

No Reportable Action

San Diego Ethics Commission Audit Report: Zaharopulos for City Council

Motion: Accept Report

Vote: Carried Unanimously

Excused: Leonard

Case No. 2009-54 – In Re: Coast Law Group – Alleged Failure to Timely File Lobbying Firm Quarterly Disclosure Report

Motion: Approve Stipulation

Vote: Carried Unanimously

Excused: Leonard

Case No. 2009-56 – In Re: Lancaster Consulting Corp – Alleged Failure to Timely File Lobbying Firm Quarterly Disclosure Report

Motion: Approve Stipulation

Vote: Carried Unanimously

Excused: Leonard

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

Case No. 2008-54 – In Re: Nancy Graham; Alleged Participation in Municipal Decisions Affecting Economic Interests

No Reportable Action

Item 4: Conference with Legal Counsel (1 potential matter)

Luis Aclé v. City of San Diego Ethics Commission, San Diego Superior Court Case No. 37-2008-00094460-CU-WM-CTL)

No Reportable Action

Adjournment

The meeting adjourned at approximately 6:11 p.m.

Richard Valdez, Commission Chair
Ethics Commission

Katherine Hunt, Executive Secretary
Ethics Commission

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