



**Minutes for Meeting of
Thursday, June 9, 2011**

Item-1: Call to Order

Commission Chair Westfall called the meeting to order at 5:00 p.m.

Item-2: Roll Call

Present – Commission Chair Larry Westfall, Commissioners Faye Detsky-Weil, Clyde Fuller, William Howatt, John O’Neill, and Bud Wetzler
Excused: Lee Biddle

Staff – Executive Director Stacey Fulhorst, General Counsel Christina Cameron, Program Manager Steve Ross, Auditor Rosalba Gomez, and Executive Secretary AvéMaria Perkins

Item-3: Approval of Commission Minutes

Approval of Ethics Commission Minutes of April 14, 2011

Motion: Approve
Moved/Seconded: Howatt/O’Neill
Vote: Carried Unanimously
Excused: Biddle

Item-4: Non-Agenda Public Comment

None

Item-5: Commissioner Comment

None

Item-6: Executive Director Comment

Director Fulhorst reported that the City Council has not yet docketed the confirmation of the Mayor's reappointment of Commissioners Detsky-Weil and O'Neill. With respect to the replacement of Commissioner Westfall, she noted that she spoke with the Mayor's Board and Commission Liaison and was informed that while they have called for nominations, none have been received to date.

Item-7: General Counsel Comment

Ms. Cameron reported on a decision made by the Ninth Circuit Court of Appeals concerning the City's campaign laws. Ms. Cameron briefly recapped the lawsuit brought by Phil Thalheimer and other plaintiffs to enjoin the City from enforcing the following laws:

- limiting contributions to general purpose committees to \$500 when used to support or oppose City candidates;
- the temporal contribution ban that prohibits raising money more than 12 months before the primary election;
- the ban on organizational contributions to City candidates; and
- the \$500 contribution limit to City candidates.

Ms. Cameron explained that the plaintiffs initially filed a request for a preliminary injunction, which was granted in part and denied in part. This decision was then appealed to the Ninth Circuit, which essentially upheld the decisions of the lower court. Because the Ninth Circuit decision was made by a three-judge panel, the plaintiffs could ask the entire Ninth Circuit to re-hear the case. It is also possible the matter may come back to the lower court for a trial on the merits.

Commission Chair Westfall noted that it has been a while since the Commission last discussed this litigation. Director Fulhorst commented that the City has been awaiting a decision from the Ninth Circuit for approximately eight months. Director Fulhorst also noted that the Ninth Circuit decision coincidentally had come out on this day, June 9, 2011.

Item-8: Election of Chair and Vice Chair

Commission Chair Westfall reminded the Commission that the ad hoc nominating committee was comprised of Commissioners Detsky-Weil and Wetzler.

Commissioner Detsky-Weil advised the Commission that the ad hoc committee would like to nominate Commissioner Fuller as the Commission Chair and Commissioner Howatt as Vice-Chair. It was also noted that both Commissioners were asked if they would serve and both agreed to do so.

Motion: Approve
Moved/Seconded: Detsky-Weil/Wetzler
Vote: Carried Unanimously
Excused: Biddle

Item-9: Adjourn to Closed Session.

Commission Chair Westfall adjourned the meeting to Closed Session at approximately 5:12 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

Commission Chair Westfall called the meeting back into open session at approximately 5:50 p.m.

Reporting Results of Closed Session Meeting of June 9, 2011

Ms. Cameron reported the results of the Closed Session Meeting of June 9, 2011:

Item-1: Conference with Legal Counsel (20 potential matters)

Case No. 2011-33 - In Re: Alleged Failure to Disclose Campaign Activities and Retain Campaign Records

Motion: Initiate Investigation
Vote: Carried Unanimously
Excused: Biddle

Case No. 2011-35 through 2011-39, 2011-42 through 2011-45, 2011-47, and 2011-48 - In Re: Alleged Failure to Timely Amend Registration Forms

Motion: Dismiss
Vote: Carried Unanimously
Excused: Biddle
Recused: O'Neill (Case Nos. 2011-40, 2011-41, and 2011-46)

Case No. 2011-40, 2011-41, 2011-46 - In Re: Alleged Failure to Timely Amend Registration Forms

Motion: Dismiss
Vote: Carried Unanimously
Excused: Biddle
Recused: O'Neill

Case No. 2011-49 through 2011-52 - In Re: Alleged Failure to Timely File Quarterly Disclosure Report

Motion: Initiate Investigation
Vote: Carried Unanimously
Excused: Biddle

Case No. 2011-53- In Re: Alleged Violation of Fundraising Time Limits

Motion: Initiate Investigation
Vote: Carried Unanimously
Excused: Biddle

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

One item withdrawn

Case No. 2010-87- In Re: Working San Diegans PAC, Supporting Howard Wayne 2010, with major funding from AFSCME – Failure to Disclose Committee Sponsorship

Motion: Approve Stipulation
Vote: Carried Unanimously
Excused: Biddle

Adjournment

The meeting adjourned at approximately 5:49 p.m.

Larry Westfall, Commission Chair
Ethics Commission

AveMaria Perkins, Executive Secretary
Ethics Commission

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