

**MINUTES OF THE MEETING
CITY OF SAN DIEGO ETHICS COMMISSION**

November 8, 2001

5:00 P. M.

**City Administration Building, 12th Floor
Council Committee Room
202 C Street**

MEMBERS

Dorothy Leonard, Chair
Albert Gaynor, Vice-Chair
Lisa Foster
Charles La Bella
April Riel
Dorothy Smith
Gregory Vega

Agenda Item No. 1 - Call to Order.

The meeting was called to order by Chairperson Dorothy Leonard at 5:00 p.m.

(Tape location: A005-A006)

Agenda Item No. 2 - Roll Call.

The meeting began with all Commissioners present.

(Tape location: A006-A007)

Agenda Item No. 3 - Approval of Commission Minutes.

The minutes for the meeting of October 18, 2001 were approved.

MOTION BY SMITH TO APPROVE MINUTES. Second by Gaynor. Passed by unanimous vote (all present).

(Tape location: A007-A010)

Agenda Item No. 4 - Non-Agenda Comment.

There was no public comment.

(Tape location: A010-A012)

Agenda Item No. 5 - Commissioner Comment.

COMMISSIONER COMMENT 1 - Chairperson Leonard announced that the Commission's proposed ballot measure regarding subpoena power was approved by City Council on November 5, 2001, for the March 5, 2002 ballot. Mayor Murphy and City Attorney Gwinn requested and received authority to sign the ballot argument in favor of the measure. The Mayor suggested that Chairperson Leonard also sign the argument, which the Commission will discuss at its meeting on November 15, 2001.

Chairperson Leonard also announced that on November 7, 2001, the Rules Committee unanimously voted to recommend Charles B. Walker to City Council for confirmation as the Ethics Commission's Executive Director. Mr. Walker's confirmation is scheduled for the November 19, 2001 City Council meeting.

Chairperson Leonard also announced that the Real Estate Assets department is assisting the Commission in locating office space and furniture; and that the Data Processing Corporation is assisting with computers and telephones. It is likely that the office space will be at 600 B Street, and that the office will be open by December 7, 2001.

(Tape location: A012-A038)

COMMISSIONER COMMENT 2 - Commissioner Foster announced that a request has come from the law firm of Sullivan Wertz McDade Wallace for Commissioners to appear as a panel at the firm's annual election law seminar, to be held in early 2002 prior to the March election. Commissioner Foster will provide additional information to Chairperson Leonard.

(Tape location: A038-A087)

Agenda Item No. 6 - Commission Procedures - Audits.

Commissioner Riel announced that the subcommittee developing Commission procedures will undertake a comprehensive review of audit procedures to present to the Commission in the early spring of 2002.

(Tape location: A087-A099)

Agenda Item No. 7 - Commission Procedures - Draft Rules and Regulations.

PUBLIC COMMENT 1 - Mel Shapiro spoke about the violations listed on the Commission's proposed "Campaign/Lobbyist/SEI Violations and Penalties."

There was discussion of San Diego Municipal Code (SDMC) section 27.2945 regarding

vendor debt.

(Tape location: A100-A246)

Commissioners Smith and Riel presented proposed investigation and enforcement procedures. There was discussion about the time-frame and procedure for the preliminary review of complaints received during the 90-day period prior to an election; this topic will be discussed again at the Commission's next meeting.

(Tape location A247-B108)

There was discussion of procedural due process rights in the preliminary review period, particularly as they relate to notifying complainants and respondents that a complaint has been filed.

(Tape location B109-B253)

There was discussion of the Public Records Act as it may apply to the confidentiality of complaints during the preliminary review period; this topic will be discussed again at the Commission's next meeting.

(Tape location B254-B349)

There was discussion of protecting the confidentiality of complainants during the investigation process. The timing of notification to respondents was also discussed.

(Tape location B350-B613)

Commissioner Riel pointed out that both Los Angeles and San Francisco allow non-Commissioners to serve as presiding authorities during probable cause hearings.

There was discussion of the overlapping jurisdictions of the Commission, the City Attorney and the Fair Political Practices Commission.

(Tape location B614-C084)

There was discussion of the use of terms of art in the proposed administrative hearing process.

(Tape location C084-C151)

Deputy City Attorney Rick Duvernay commented on the proposed definition of "governmental ethics laws" in the investigation and enforcement procedures.

(Tape location C151-C193)

Revisions made today to the proposed procedures will be made available to the

Commissioners and to the public as expeditiously as possible.

(Tape location C194-C227)

Commissioner Smith commended Legal Assistant Steve Ross for his outstanding work on the proposed procedures. The Commissioners expressed their appreciation to both Mr. Ross and Mr. Duvernay.

(Tape location C228-C237)

Chairperson Leonard stated that after the Commission's next meeting, she will meet with the procedures subcommittee to discuss presenting the Commission's proposal to the Rules Committee on December 5, 2001.

(Tape location C237-C242)

Agenda Item No. 8 - Adjournment.

The meeting was adjourned by Chairperson Leonard at 6:46 p.m.

(Tape location: C243-C245)

Dorothy Leonard, Chairperson
Ethics Commission

Bonnie J. Stone
Deputy City Clerk

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