



**Minutes for Meeting of
Thursday, March 12, 2015**

Item 1: Call to Order

Commission Vice-Chair Fuller called the meeting to order at approximately 5:00 p.m.

Item 2: Roll Call

Present – Commission Vice-Chair Clyde Fuller, Commissioners Deborah Cochran, Faye Detsky-Weil, Alex Kreit, Andrew Poat and Greg Zinser

Excused – Commission Chair John O’Neill

Staff – Executive Director Stacey Fulhorst, General Counsel Christina Cameron, Program Manager Steve Ross, Investigator Lauri Davis, Auditor Rosalba Gomez, and Administrative Aide Jennifer Blasier

Item 3: Approval of Commission Minutes

Approval of Ethics Commission Minutes of February 12, 2015

Motion:	Approve
Moved/Seconded:	Zinser/Cochran
Vote:	Carried Unanimously
Excused:	O’Neill

Item 4: Non-Agenda Public Comment

None

Item 5: Commissioner Comment

None

Item 6: Executive Director Comment

Ms. Fulhorst reported that the staff will be undertaking a new educational effort in the form of a webinar for City candidates. She explained that it will be a companion webinar to one recently developed by the FPPC, and that it will address additional rules unique to City of San Diego candidates. She added that Commissioner Zinser has agreed to lend his voice for the webinar audio.

Ms. Fulhorst reminded the Commissioners that their annual Forms 700 are due on April 1, and directed them to contact Steve Ross with any disclosure questions. She pointed out that paper filing is no longer required if Commissioners file their disclosures electronically.

Commissioner Fuller reported that he encountered problems retrieving information he input last year when attempting to submit his Form 700 electronically; however, the problem was resolved by Dawn Stewart in the City Clerk's office. He suggested anyone who encounters similar problems should contact Ms. Stewart for assistance.

Ms. Fulhorst noted that the staff is aware that Commissioners have recently encountered problems accessing the City's Parkade to park and attend Commission meetings. She will be contacting the City's Real Estate Assets Department to resolve this issue.

Item 7: General Counsel Comment

None

Item 8: Proposed Amendments to the Election Campaign Control Ordinance and Municipal Lobbying Ordinance

Ms. Fulhorst reminded the Commissioners that the discussion concerning these proposed changes began at the February Commission meeting. She reiterated that the proposed amendments would clarify the disclosure requirements for individuals with "pending matters" who make contributions to professional expense committees. As a result of input received at the last meeting, staff has updated the draft language to include the financial interests of a contributor's immediate family members, as well as real property interests that could be substantially impacted by a municipal decision. She noted that, although the draft language pertains to the City's campaign laws, the proposal includes a corresponding update to the contribution disclosure requirements in the lobbying laws to include contributions to professional expense committees.

In response to a question from Commissioner Kreit, Ms. Fulhorst explained that the staff proposal would not require lobbyists to disclose their clients' pending matters on a form required by the City's campaign laws because they would instead be disclosing this information on their lobbyist quarterly disclosure reports. Staff has recommended this approach because it is not intuitive to a

lobbyist that he or she may have a personal financial interest in a client's pending matter. That said, she indicated that it would not be problematic to revise the draft amendments to require lobbyists to comply with the disclosure requirements in both the campaign and lobbying laws. Commissioner Kreit responded that he believes the current drafting is appropriate as it could become onerous to require multiple disclosures.

Commissioner Poat asked if the proposed amendments are modeled on similar provisions in other jurisdictions or whether they are unique to San Diego. Ms. Fulhorst replied that the "disclosures of pending matters" is a unique aspect of local law but that the larger framework is consistent with other jurisdictions, including state law.

Marcela Escobar-Eck, a land use consultant with Atlantis Group, stated that she supports the staff recommendation which she believes will help clarify the disclosure requirements. She cited different types of land use matters and explained why it may not be apparent that a lobbyist has a financial interest in one of their client's pending matters.

Motion: Approve Proposed Amendments
Moved/Seconded: Kreit/Cochran
Vote: Carried Unanimously
Excused: O'Neill

Item 9: Proposed Amendments to the City Charter

Ms. Fulhorst reminded the Commissioners that the discussion concerning this issue also began at the February Commission meeting. She noted that Commission Chair O'Neill sent an email explaining his views on the potential name change which was distributed electronically and included in the meeting materials in light of his absence. With respect to timing, she spoke to the consultant for the Charter Review Committee and learned that he plans to docket the changes proposed by the Ethics Commission in the next month or two.

In response to an inquiry from Commissioner Zinser, Ms. Fulhorst explained that there is no requirement for a name change; instead, the Chair docketed the issue because it has come up periodically over the past ten years and it is an opportune time to recommend a name change in light of the City Council's creation of a Charter Review Committee.

Commissioner Kreit stated that he favors a name change for the reasons he provided at the last meeting. In his view, many of the Commission's enforcement actions involve violations that do not constitute "ethical lapses" and labeling all violations as "ethics violations" diminishes the significance of the more egregious violations. He recommended the name "Ethics and Political Practices Commission," and added that he believes the word "ethics" should be included in any revised name.

Commissioner Poat stated that he concurs with Commissioner Kreit's rationale. He recommended the name "Fair Political Practices Commission" or something similar.

With respect to a new name, Commissioner Cochran suggested that the Commission consider "Governmental Ethics and Political Practices Commission." However, she noted that she is not persuaded that a name change is appropriate. Although she understands the desire to accurately describe the activities regulated by the Commission, she does not believe the name has to represent everything within the Commission's jurisdiction and is concerned about losing the familiarity associated with the current name.

Commissioner Poat expressed his view that the term "ethics" does not capture the essence of the Commission's jurisdiction. He reiterated his recommendation that the City mirror the name used by the state (Political Practices Commission). As an alternative, he suggested "Government Practices Commission."

Commissioner Kreit commented that he favors the name "Governmental Ethics and Political Practices Commission" because it accurately captures the activities regulated by the Commission.

Commissioner Zinser indicated that he supports the name "Ethics and Political Practices Commission" if a change is ultimately recommended. He noted, however, that there will still be different levels of violations irrespective of a name change, and he recommended the Commission consider making distinctions between different types of violations in a manner similar to that employed by the NBA (e.g., "Type 1" and "Type 2").

Commissioner Detsky-Weil pointed out that other California cities like Oakland, Los Angeles, and San Francisco all use the name "Ethics Commission." She concurred with Commissioner Cochran's view that the name does not have to capture everything the Commission regulates, and stated that she is inclined not to recommend a name change. She also expressed support for Commissioner Zinser's suggestion that the Commission distinguish between different levels of violations.

In response to the suggestion concerning distinctions between different types of violations, Ms. Fulhorst noted that the Commission currently makes a distinction on its website for "streamlined" enforcement actions that involve nominal violations such as the late filing of disclosure forms and minor disclosure mistakes.

Commissioner Fuller expressed his opinion that any name that includes the word "ethics" will not eliminate the problem involving perceived taint because people will still focus on the word "ethics." Similarly, he does not believe that a distinction between different types of violations will change the public's focus on the fact that a violation occurred and the Commission levied a fine.

Commissioner Detsky-Weil commented that she agrees with Commissioner Fuller. If the name were changed to "Political Practices Commission," she believes people would still focus on the fact that a fine was levied.

Commissioner Fuller suggested that all of the Commissioners continue to consider the issue and come to the next meeting prepared to recommend and vote on one or more specific names.

Item 10: Presentation of Final Audit Report Regarding the San Diegans in Support of Bob Filner for Mayor – 2012 Committee

Motion: Accept Final Audit Report
Moved/Seconded: Poat/Detsky-Weil
Vote: Carried Unanimously
Excused: O'Neill

Item 11: Adjourn to Closed Session

Commission Vice-Chair Fuller adjourned the meeting to closed session at approximately 5:40 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 Vice-Chair Fuller called the meeting back into open session at approximately 6:20 p.m.

Reporting Results of Closed Session Meeting of March 12, 2015:

Ms. Cameron reported the results of the closed session meeting of March 12, 2015:

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

Case No. 2014-46 - In Re: Content of Campaign Statements

Motion: Dismiss
Moved/Seconded: Poat/Detsky-Weil
Vote: Carried Unanimously
Excused: O'Neill

Case No. 2014-54 - In Re: Misuse of City Position or Resources

Motion: Dismiss
Moved/Seconded: Poat/Zinser
Vote: Carried Unanimously
Excused: O'Neill

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

Presentation of Final Audit Report Regarding the Audit of Christine Kehoe for Mayor 2012

Motion: Accept Final Audit Report
Moved/Seconded: Kreit/Detsky-Weil
Vote: Carried Unanimously
Excused: O'Neill

Presentation of Final Audit Report Regarding the Audit of Bob Filner for Mayor 2012

Motion: Accept Final Audit Report
Moved/Seconded: Detsky-Weil/Poat
Vote: Carried Unanimously
Excused: O'Neill

Adjournment

The meeting adjourned at approximately 6:25 p.m.

[Redacted]

Clyde Fuller, Commission Vice-Chair
Ethics Commission

[Redacted]

Jennifer Blasier, Administrative Aide
Ethics Commission

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