



**Minutes for Meeting of
Thursday, November 5, 2015**

Item 1: Call to Order

Acting Commission Chair Deborah Cochran called the meeting to order at approximately 5:00 p.m.

Item 2: Roll Call

Present – Commissioners Bill Baber, Deborah Cochran, Dave Potter, Sid Voorakkara, and Greg Zinser.

Absent – Commissioners Clyde Fuller and Alex Kreit

Staff – Executive Director Stacey Fulhorst, General Counsel Christina Cameron, Program Manager Steve Ross, Investigative Program Manager Lauri Davis, Audit Program Manager Rosie Gomez and Program Coordinator Tracy Morales

Commissioner Cochran asked Director Fulhorst to explain the Commissioners’ ability to approve meeting minutes if they were not present at the subject meeting. Director Fulhorst explained that the Commissioners may rely on the staff summary reflected in the minutes and vote to approve them.

Item 3: Approval of Commission Minutes

Approval of Commission Minutes of September 10, 2015

Motion:	Approve
Moved/Seconded:	Zinser/Baber
Vote:	Carried Unanimously
Absent:	Fuller, Kreit

Item 4: Non-Agenda Public Comment

Harry Jensen expressed concern that the recent amendments to the City’s campaign laws that require committees to file additional disclosures during the signature-gathering phase of petitions will “hurt the little guy” and he asked the

Commission to revisit the issue. None of the Commissioners expressed an interest in revisiting this issue.

Item 5: Commissioner Comment

Commissioner Voorakkara introduced himself and described his experience running for office and working on campaigns. He commented that he hopes his experience will help inform quality decisions as he participates in Commission matters.

Commissioner Baber introduced himself and related his history of involvement in campaign finance beginning with his undergraduate studies, continuing with staff work at the Federal Elections Commission, and concluding with professional treasurer work. In addition, Commissioner Baber noted that he worked in Mayor Murphy's office when the Commission was created and was actively involved in the process of establishing the Commission.

Commissioner Potter introduced himself. He noted that he has worked previously with Messrs. Baber and Kreit and looks forward to working with the other Commissioners and staff.

Item 6: Executive Director Comment

Director Fulhorst welcomed the new Commissioners and thanked them for volunteering their time and expertise. She also remarked on the high caliber of professionalism and collegial atmosphere among Commissioners during her tenure.

Ms. Fulhorst provided two updates:

1) In January 2015, the City's Charter Review Committee chaired by Council President Lightner solicited input for proposed changes to the City's Charter. The Ethics Commission submitted a proposal that would solidify the existence of the Ethics Commission in the Charter. Ms. Fulhorst explained that the Ethics Commission was created by ordinance in the Municipal Code, and could therefore be eliminated by ordinance as well. The Commission presented its proposed changes to the Charter Review Committee in May and has been asked to return to the Committee in December with proposed language, presumably for inclusion in a potential ballot measure.

2) The lobbying portion of the City Clerk's electronic filing system has been dramatically improved. Data in that system is now searchable, making it much more accessible. For example, a citizen can now conduct a search for the "One Paseo" project and the system will provide information concerning the identity of lobbyists who worked on the project and the amount of money they earned.

Ms. Fulhorst also reminded the new Commissioners to file their assuming office Forms 700 by the deadline of November 16, 2015.

Item 7: General Counsel Comment

None.

Adjourn to Closed Session

At approximately 5:25 p.m., Commissioner Cochran adjourned the meeting to closed session to consider Item No. 2 on the closed session portion of the agenda (Case No. 2015-13 – Filing of Campaign Statements).

Reconvene to Open Session

Commissioner Cochran called the meeting back into open session at approximately 5:35 p.m. There was no reportable action concerning the item considered during closed session.

Item 8: Request from City Attorney Candidate Rafael Castellanos

General Counsel Cameron introduced the matter and called the Commissioners' attention to the memo she prepared regarding Mr. Castellanos' request that the Ethics Commission recuse itself from all investigative and enforcement matters associated with the 2016 City Attorney election because one of the candidates, Gil Cabrera, is a former Ethics Commissioner.

Commissioner Baber inquired about the Commissioners and staff who were with the Commission during Mr. Cabrera's tenure. Ms. Cameron replied that only one current Commissioner, Clyde Fuller, served with Mr. Cabrera. She also noted that two current Commissioners, Cochran and Fuller, were serving when Mr. Cabrera was retained by the Executive Director to advise her on two enforcement matters (after he left the Commission). As far as staff, Ms. Cameron stated that everyone on the current staff except Ms. Morales was present during Mr. Cabrera's tenure. She added that only the Executive Director serves at the pleasure of the Commissioners; the balance of staff is hired by Ms. Fulhorst. Because Ms. Fulhorst has voluntarily recused herself from the 2016 City Attorney race, she is overseeing staff with respect to any investigations that arise.

Commissioner Zinser asked if there was any regulatory guidance or precedent for this situation. Ms. Cameron replied that the Commission has no history of similar requests. She explained that the Municipal Code provides for individual recusal in connection with a hearing, but does not contemplate the entire Commission recusing from enforcement.

In connection with Mr. Castellanos' suggestion that the Commission defer to the Fair Political Practices Commission [FPPC] for enforcement in the City Attorney's race, Commissioner Voorakkara pointed out Ms. Cameron's memo clearly outlines the many local laws over which the FPPC does not have any jurisdiction.

Commissioner Baber noted that before the Ethics Commission was created, there was scant enforcement of the City's campaign laws because the City Attorney's

office is conflicted and the FPPC has limited oversight over local campaigns. He expressed his opinion that the Commission would be abandoning its responsibilities if it recused itself from enforcement, and would be sending a signal that there is "no sheriff in town."

Ms. Cameron observed that the Municipal Code requires Commissioners to wait at least one year to run for office after serving as a Commissioner, and she suggested the Commissioners consider the possibility that the Council contemplated the implied influence that a former Commissioner might have during this time frame.

Commissioner Baber concurred with this assessment, and added that the FPPC does not have sufficient resources to oversee complaints and investigations in the City Attorney's race in light of the agency's statewide jurisdiction.

Commissioner Cochran agreed with Commissioner Baber and noted that the Commission has a current process in place to provide for case-by-case recusals.

Motion:	Deny Mr. Castellanos' Request
Moved/Seconded:	Potter/Cochran
Vote:	Carried Unanimously
Absent:	Fuller, Kreit

Item 9: Adjourn to Closed Session

Commissioner Cochran adjourned the meeting to closed session at approximately 5:45 p.m. She 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

Commissioner Cochran called the meeting back into open session at approximately 6:50 p.m.

Reporting Results of Closed Session Meeting of November 5, 2015:

Ms. Cameron reported the results of the closed session meeting of November 5, 2015:

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

Case No. 2015-14 – Disclosure of Economic Interests

Motion:	Authorize Investigation
Moved/Seconded:	Potter/Zinser
Vote:	Carried Unanimously
Absent:	Fuller, Kreit

Case No. 2015-15 – Solicitation of City Employees

No Reportable Action

Case No. 2015-17 – Notification Regarding Reimbursement

Motion: Dismiss
Moved/Seconded: Voorakkara/Potter
Vote: Carried Unanimously
Absent: Fuller, Kreit

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

Presentation of Final Audit Report Regarding the Audit of Environmental Health and Justice Campaign Fund working to elect Bob Filner for Mayor 2012

Motion: Accept Final Audit Report
Moved/Seconded: Voorakkara/Potter
Vote: Carried Unanimously
Absent: Fuller, Kreit

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

Staff: General Counsel Christina Cameron Only

Case No. 2013-15 – In Re: Advantage Towing Company and Ayman Arekat - Alleged Making of Contributions in the Name of Another

No Reportable Action

Adjournment

The meeting adjourned at approximately 6:55 p.m.

[Redacted]

Deborah Cochran, Acting Commission Chair
Ethics Commission

[Redacted]

Tracy Morales, Program Coordinator
Ethics Commission

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