



**Minutes for the Meeting of
Thursday, May 9, 2024**

Item 1: Call to Order.

The Commission Chair called the meeting to order at 5:08 p.m.

Item 2: Roll Call.

Present – Commission Chair Caridad Sanchez, and Commissioners Hon. Laura W. Halgren, Tom Lincoln, Jimmie Slack, and Deval Zaveri

Absent – Vice Chair Paul Cooper, Commissioner James Hauser

Staff – Executive Director Sharon Spivak, General Counsel Christina Cameron, Audit Program Manager Rosalba Gomez, Investigative Program Manager Kristina Gagne, Legislative Program Manager Megan Curran, and Education Program Manager Ryan O'Connor

Item 3: Approval of Commission Minutes of April 11, 2024

Motion:	Approve Minutes
Moved/Seconded:	Slack/Lincoln
Vote:	Carried Unanimously
Absent:	Cooper, Hauser

Item 4: Non-Agenda Public Comment

None.

Item 5: Commissioner Comment

Commissioner Slack wished everyone who would be celebrating a Happy Mother's Day for the upcoming weekend.

Item 6: Executive Director Comment

The Executive Director reported the following:

Ballot Measures: The City Council's Rules Committee did not advance the proposed "Clean Elections" measure, which would have asked voters to approve a new public financing program for political candidates. The program would be run by the Ethics Commission. A group of citizens has been working on the proposal since 2020. The Committee expressed interest in a competing model for public financing of elections that is known as the Democracy Dollars voucher program. A different public financing program could be discussed in future election years.

Executive Director Search: The Mayor's FY 2025 budget included the Ethics Commission's requested funding for a three-month overlap period in which the current Executive Director will train her successor. The budget will be final in June 2024.

The Executive Director and Program Manager for Administration & Training have been working with the City's Human Resources Department to secure services from the City's contracted search firm. The Executive Director has provided the firm with a detailed job description and description of the law and duties of the office and position. The firm is working on a draft brochure. The firm will be engaging stakeholders and interviewing board members to see what they are seeking in the next ED. The timeline is not yet set, but the position likely will be posted in August.

Training Activities: The Executive Director, Education Program Manager and Legislative Program Manager taught the Ethics Ordinance training course to about 100 people on April 26. The Executive Director thanked staff for their great work and efforts to roll out new ways to engage participants.

At the request of the Mayor's Office, Commission staff will be training the Mayor's Office on the subject of Behested Payments at an upcoming staff meeting.

Foreign Delegation: Working with the San Diego Diplomacy Council and at their request, the Executive Director made a presentation May 2 to a foreign delegation that wished to learn about the Commission and its work in advancing transparency and accountability in government. Commission staff reported how much they also learned from the delegation, which included government and media representatives of Yemen, Bahrain, Lebanon, Jordan, Libya, Tunisia and Qatar.

Item 7: General Counsel Comment

None.

Item 8: Consideration and Adoption of Ethics Commission Meeting Calendar for Fiscal Year 2025.

Motion: Adopt Meeting Calendar
Moved/Seconded: Lincoln/Halgren
Vote: Carried Unanimously
Absent: Cooper, Hauser

Item 9: Election of Ethics Commission Chair and Vice Chair for Fiscal Year 2025

The Ad Hoc Committee, made up of Chair Sanchez and Commissioners Slack and Lincoln, met to consider and recommend nominees to serve as the Commission's next Chair and Vice Chair for Fiscal Year 2025. Commission Chair Sanchez announced that the Ad Hoc committee made the following nominations:

Chair: Paul Cooper
Vice Chair: Jimmie Slack

The new officers' one-year term will begin on July 1, 2024. No other candidates were nominated by the Commission.

Motion: Approve Ad Hoc Committee Recommendations
Moved/Seconded: Halgren/Zaveri
Vote: Carried Unanimously
Absent: Cooper, Hauser

After the vote, Commissioner Slack thanked his fellow Commissioners for their confidence in him and said that he looked forward to working with everyone in his new role.

Commissioner Lincoln thanked Vice Chair Cooper and Commissioner Slack for agreeing to step into the roles. He thanked Commissioner Halgren for expressing interest in serving as an officer in the future.

Item 10: Presentation of Final Audit Report Regarding the Kent Lee for City Council 2022 Committee.

Motion: Accept Audit Report
Moved/Seconded: Slack/Halgren
Vote: Carried Unanimously
Absent: Cooper, Hauser

Item 11: Ethics Reform Proposal to Amend Laws Governing the Ethics Commission in the Municipal Code and Charter.

Commissioners discussed the proposed Charter amendment language in the City Attorney's proposal dated April 30, 2024 and provided direction to the Executive Director to bring back to the City Attorney and Rules Committee.

The Commission did not take formal action on the item.

The Commission's direction to the Executive Director included policy statements and specific proposed edits to the City Attorney's current draft.

Regarding the proposal in general:

Commissioners directed the Executive Director to report the following to the Rules Committee:

The Commission believes the Charter amendments will increase the Commission's independence, better align with the best practices of Ethics Commissions across the state, and help to achieve the Commission's goal of building public confidence through its work.

The Commission thanks the City Attorney and the Council for their interest in advancing the amendments, and believes they will bolster the Commission's mission.

Regarding specific language of the proposed new Charter section 41.3:

The Commission recommended specific amendments to the draft language and asked the Executive Director to provide the City Attorney with the language. These included:

1. Change a sentence regarding the qualifications of Commissioners so that it will state: "The Commission must possess the independence, experience, and technical expertise necessary to carry out its duties." This edit would substitute the words "The Commission" for "Members of the Commission," to convey that it refers to the Commission as a whole. Commissioners expressed concern that starting the sentence with "Members of the Commission" implied that they all had to have technical expertise, which may not be accurate and may inadvertently narrow the pool of people potentially qualified to serve on the board.
2. Remove the word "complex" to describe the cases in which the Ethics Commission might retain special counsel. The amendment would simply say, "to retain special counsel to handle cases within its jurisdiction." Removing the word "complex" in the phrase "complex cases" avoids the

need to define that term, or wonder if a case meets the definition, which could be problematic. This allows the Commission to retain special counsel as it may deem necessary.

3. Amend a sentence regarding the Executive Director's authority to provide that it is subject to "policies and regulations" throughout the paragraph, as opposed to being subject to policies and regulations regarding the Executive Director's authority "to initiate investigations and complaints." This recommendation would thus amend language to state:

"The Executive Director, who shall act in accordance with policies and regulations adopted by the Ethics Commission and with applicable law, is authorized to initiate investigations and complaints, subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items material to the performance of the Commission's duties or exercise of its powers."

The Executive Director noted that the Rules Committee is scheduled to discuss the proposed Charter amendment measure at its June 5 meeting. If the Committee advances the proposal to the full Council, the Council would need to take action to place the matter on the ballot before the state statutory deadline of August 9, 2024. She explained the timeline for Charter amendments, their certification, and the requirement that the California Secretary of State "chapter" them before they are effective. This means that any Charter amendment approved by voters on the November 5, 2024 ballot would most likely not be effective until January 2025.

Item 12: Announcement of Closed Session Items / Adjourn to Closed Session.

Commission Chair Sanchez adjourned the meeting to closed session at 7:30 p.m. She stated the Commission would reconvene into open session following the conclusion of closed session to report any action taken during the closed session portion of the meeting.

Commission Program Managers Ryan O'Connor, Megan Curran, and Rosalba Gomez participated only in the open session portion of the meeting and left before Closed Session began.

Reconvene to Open Session

Commission Chair Sanchez called the meeting back into open session at approximately 7:34 p.m.

Reporting Results of Closed Session Meeting of May 9, 2024

Ms. Cameron reported the results of the closed session meeting of May 9, 2024:

Item-1: Conference with Legal Counsel

Case No. 2024-08 – Contributions – Lobbying Firm

Motion:	Authorize Investigation
Moved/Seconded:	Lincoln/Halgren
Vote:	Carried Unanimously
Absent:	Cooper, Hauser

Adjournment

The meeting concluded at 7:40 p.m.

[REDACTED]

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Caridad Sanchez, Chair
Ethics Commission

Sharon Spivak, Executive Director
Ethics Commission

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

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