



**Minutes for the Meeting of  
Thursday, August 8, 2024**

**Item 1: Call to Order.**

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

**Item 2: Roll Call.**

**Present** – Commission Chair Paul Cooper, Vice Chair Jimmie Slack, and Commissioners Hon. Laura W. Halgren, James Hauser, Tom Lincoln, and Caridad Sanchez

**Absent** – Commissioner Deval Zaveri

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

**Item 3: Approval of Commission Minutes of June 13, 2024**

Motion:	Approve Minutes
Moved/Seconded:	Lincoln/Sanchez
Vote:	Carried Unanimously
Absent:	Zaveri

**Item 4: Non-Agenda Public Comment**

None.

**Item 5: Commissioner Comment**

Chair Cooper recognized and thanked Commissioner Sanchez for her service as Commission Chair for the past two years, to the applause of others in the room. Commissioner Cooper began his term as Chair on July 1, 2024.

Commissioner Halgren noted that she had attended the live, virtual Ethics Training taught by Commission staff to unclassified City employees on July 26, 2024. She commended and congratulated staff for incorporating new Zoom polls into the training, which she said helped to engage attendees. After various subjects are taught, attendees are given hypotheticals and asked to vote on whether they believe they represent ethics violations.

**Item 6: Executive Director Comment**

The Executive Director reported the following:

(1) Charter Amendment Ballot Measure

The City Council voted July 29, 2024 to place the Ethics Commission's Charter amendment measure on the November ballot. If approved by voters, the amendments will be the most significant legislative change to the Commission's operations since voters authorized its creation in 2001.

The Executive Director thanked Commission staff members Kristina Gagné and Megan Curran, Commissioners, and the City Attorney for all of their work on the measure over many months. The City Attorney proposed the amendments as part of a larger reform package.

If approved by voters, the amendments will bring the Commission in line with the best practices of other major ethics commissions in California. Among other provisions, the measure will strengthen the Commission's independence from elected officials and others whom it regulates, prevent the Commission from being eliminated by Council ordinance, and provide a guarantee of sufficient funding for its programs. The Executive Director noted that this is a legacy project for her, which will leave the department in a stronger place to serve as an independent watchdog.

(2) Code of Conduct

The Executive Director discussed the new Code of Conduct for members of City boards and commissions, which has been presented to the Council's Rules Committee. The code was proposed by the City's Office of Boards and Commissions, working with the City Attorney. The Ethics Commission staff also reviewed draft provisions.

If approved by Council, the code will apply to Commissioners, except for the portions that are only for advisory boards that report to the Mayor and Council. It includes provisions regulating Commissioners' conduct with each other, with the public, and with Commission staff. It discusses ethics training requirements and training by the Ethics Commission. The code would be "self-enforcing."

### (3) Training and Advice

The Executive Director reported on recent training and advice activities by Commission staff. She noted: (1) she spoke about the Commission to the City's 100+ interns; (2) Commission staff members provided the quarterly Ethics Ordinance training class to more than 100 unclassified City employees; and (3) she was scheduled to train the Mayor's staff on August 9, 2024 on "Staying Within the Law: Ballot Measures and City Elections," along with a Deputy City Attorney.

The Executive Director also reported metrics for the advice and education program for the first six months of 2024. During that time, Education Program Manager answered 258 requests for technical legal advice on the City's ethics, campaign, and lobbying laws. Of those, 170 requests involved questions about the Ethics Ordinance.

### (4) Office Space

The Executive Director reported that the Commission's office space has now been secured through December 2027. The City's real estate team reported that a three-year lease extension is being signed.

The Executive Director noted that this is a legacy project, as Commission staff had moved four times, including to 101 Ash Street, in just a few years before she arrived in this position. The Executive Director and Program Manager for Administration and Training, Victoria Velasquez, worked with the City's real estate staff to secure the Commission's current space in 2021. The Executive Director thanked Commissioner Sanchez, the only remaining Commissioner from that time, as the board had supported the office move.

### (5) Executive Director Recruitment

The Executive Director reported that the application period to apply for her position will close on August 12, 2024. She said she would report back on related scheduling matters. She noted that she asked the Council President's Office to tentatively hold space on Council agendas in November for the confirmation vote. She also noted the July 12, 2024 story in the *San Diego Union-Tribune* regarding her departure and the search for her replacement.

## **Item 7: General Counsel Comment**

None.

**Item 8: Amending the San Diego Municipal Code to Increase Ethics Commission Fines**

The Commission considered proposed amendments to San Diego Municipal Code section 26.0440, Administrative Fines, that would increase Commission fines to a maximum dollar amount per count of \$15,000. The amendments would also allow the Commission to impose treble damages in certain cases. The Commission currently is limited to imposing fines of up to \$5,000 per count, with no treble damages provision.

Commissioner Halgren proposed minor changes to clarify the Commission could select between either option. Commission staff committed to working on the language to ensure it is clear it provides two separate options.

In public comment, Bob Otilie urged the Commission to vote to increase the fines. Otilie is a local attorney whose practice over many decades has included significant work on elections and ethics matters. He noted his work on the City’s ethics laws, as the person who proposed Measure L in 2018, adding new ethics laws to the City Charter. He has also represented clients before the Ethics Commission.

Otilie said that publishing the amount of fines the Commission imposes in Stipulated Settlements provides protections, showing the ramifications if someone violates the City’s ethics laws. He said the Commission’s imposition of fines is the second level of protection, and one can later seek a writ of mandate at Superior Court if they believe the Commission misapplied the law. He said the amendments will improve the Commission’s effectiveness, because “people aren’t scared by \$5,000 fines.”

Motion:	Approve the amendments in concept; direct staff to clarify language to show there are two options (fines up to \$15,000 per count, or a trebling of damages); and direct staff to work with the City Attorney’s Office to bring an ordinance to Council to approve the amendments.
Moved/Seconded:	Halgren/Slack
Vote:	Carried Unanimously
Absent:	Zaveri

**Item 9: Informational Item – Legal and Procedural Training for Ethics Commission**

General Counsel Christina Cameron presented a PowerPoint presentation on Due Process and Administrative Enforcement and related laws. The presentation provided Commissioners with a detailed overview of the Ethics Commission’s administrative hearing process.

**Item 10: Informational Item – Presentation of Annual Summary of Lobbying Activity in the City of San Diego for 2023.**

The Executive Director provided an overview of lobbying activity in the City of San Diego for 2023, discussing the report she submitted to Commissioners. The report was posted [online](#) with the agenda. The Executive Director noted that a consultant for the City Clerk’s Office was able to provide new data showing the 10 lobbying firms who were paid the most money to lobby City officials in 2023.

The Executive Director noted that the Ethics Commission’s role is to ensure that lobbyists follow the disclosure and registration laws in the City’s Lobbying Ordinance. This provides information for the public’s use. While Commission staff monitors lobbying activity year-round, the annual report provides additional detail for the public about lobbying trends. It also identifies the City’s most active registered lobbyists. The public can then review the firms’ disclosure reports on the City Clerk’s website for more information.

**Item 11: Announcement of Closed Session Items / Adjourn to Closed Session.**

Commission Chair Cooper adjourned the meeting to closed session at 6:30 p.m. He 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.

**Reconvene to Open Session**

Commission Chair Cooper called the meeting back into open session at approximately 7:08 p.m.

**Reporting Results of Closed Session Meeting of August 8, 2024**

Ms. Cameron reported the results of the closed session meeting of August 8, 2024:

**Item 1: Conference with Legal Counsel**

**Case No. 2024-08 – Contributions – Lobbying Firm**

Motion:	Dismiss
Moved/Seconded:	Hauser/Lincoln
Vote:	5-0
Absent:	Zaveri
Recused:	Cooper

**Item 2: Conference with Legal Counsel**

**Case No. 2024-12 – Filing Deadline for Quarterly Disclosure Report**

Motion: Dismiss  
Moved/Seconded: Slack/Halgren  
Vote: Carried Unanimously  
Absent: Zaveri

**Item 3: Conference with Legal Counsel**

**Case Nos. 2024-06 and 2024-07 – Gifts from Lobbyists; Limits on Gifts**

Motion: Dismiss  
Moved/Seconded: Sanchez/Halgren  
Vote: Carried Unanimously  
Absent: Zaveri

**Item 4: Conference with Legal Counsel**

**Case No. 2023-09 – Expenditure Lobbyist Quarterly Reports**

Motion: Dismiss  
Moved/Seconded: Hauser/Slack  
Vote: Carried Unanimously  
Absent: Zaveri

**Item 5: Conference with Legal Counsel (one potential matter)**

**Case No. 2024-14 – Misuse of City Position or Resources**

Motion: Authorize Investigation  
Moved/Seconded: Halgren/Hauser  
Vote: 4-1 (Lincoln voted no)  
Absent: Zaveri  
Recused: Sanchez

**Adjournment**

The meeting concluded at 7:10 p.m.

[REDACTED]

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Paul Cooper, Chair  
Ethics Commission

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Sharon Spivak, Executive Director  
Ethics Commission

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

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