

**BLUE RIBBON TASK FORCE ON ETHICS ORDINANCE
MEETING NOTES**

Thursday, November 10, 2004

City Hall – Room 204

Present: Councilmember Ken Yeager (Chair)
Vice Mayor Pat Dando
Councilmember Cindy Chavez
Councilmember Chuck Reed

Absent: None.

Staff: City Clerk, Lee Price
Norm Sato, City Attorney's Office
Peter Jensen, City Manager's Office

I Introduction

Council Member Yeager called the meeting to order at 10:18 a.m.

II Task Force Discussion and Incorporation into the Work Plan of any proposed Work Plan amendments

Council Member Yeager stated the next Blue Ribbon Task Force (BRFT) meeting is scheduled for November 15, 2004 and noted that discussion would include revisions to the regulations for Officeholder Accounts and Council District Special Events Accounts.

Vice Mayor Dando asked for clarification about Special Events Accounts. City Clerk Lee Price stated Special Events Accounts are accounts used to fund community events for certain districts and are made up of funds from donors and co-sponsors of events. Vice Mayor Dando requested that when this matter comes back that staff provide information as to how money for Special Events Accounts is raised, how it is accounted for and what the difference is between Special Events Accounts and "Friends" (Officeholder) accounts. Council member Reed added a request to review City's new policy on sponsorships to determine if and how it may relate to Special Events Accounts.

II (Cont'd.)

In response to recent City Council action to designate the Task Force as the appropriate Council Subcommittee to conduct an investigation of pending allegations of misconduct on the part of Council Member Gregory, the Task Force developed a work plan and schedule to carry out the investigation. Vice Mayor Dando suggested the Task Force be aggressive in having the investigator hired to conduct the investigation of Council Member Gregory meet the Task Force and Council's schedule. Council Member Yeager suggested staff schedule the November 29, 2004 BRTF meeting for three hours and reminded the Task Force of a possible 60 day turnaround deadline for reporting back to Council with updates.

Council Member Reed requested that the investigator return to the Task Force with a declaration under penalty of perjury from witnesses and to inform the Task Force of any witnesses who are not cooperative, so the Task Force can decide whether or not to issue a subpoena.

Vice Mayor Dando suggested that if an investigator is hired by November 18, 2004, the Task Force should provide a list of priorities to the investigator and have them prepare the witnesses to return to the Task Force by November 29, 2004 and for those witnesses who need to be subpoenaed, to appear before the Task Force by December 6, 2004.

Council Member Chavez suggested there be a contact person or office for the public to ask questions to within the City in reference to the investigation pertaining to Council Member Gregory. Deputy City Attorney Norm Sato suggested the contact number be posted on the Internet.

Council Member Yeager asked staff to seek another meeting room to allow more people to attend the Task Force meetings and to also seek a room with microphones. A tentative meeting schedule was proposed as follows:

- November 19 - meet with the investigator to outline scope of the investigation (back-up date selected: November 22nd)
- November 29 – investigator reports back
- December 6 – public hearing to receive testimony from witnesses
- December 8 – placeholder for meeting if needed (to follow joint meeting with the Elections Commission)
- December 10 – follow-up public hearing
- December 13 – finalize report to City Council
- December 14 – report to City Council

II (Cont'd.)

The City Attorney was requested to come back with a list of allegations against Council Member Gregory and a flow-chart outlining the three pending investigations (who's doing the investigations, what are the allegations, are they illegal acts?, unethical acts? violations of Council policy?, possible outcomes). Additionally, the Task Force asked the City Attorney to determine if information gathered thus far for the District Attorney is privileged, and if so, if the privilege could be waived.

The Task Force agreed to defer a review of the "arms length" policy to the 2005 Work Plan and to suspend with putting together a panel for discussing the Code of Ethics on 12/15/04.

III Task Force Review/Discussion of and Recommendation for Campaign Contribution and Disclosure Provisions

Deputy City Attorney Sato gave a brief overview of revisions to campaign contributions and disclosure provisions. He emphasized changes to the definitions of "independent expenditure" and "agent". Assistant to the City Manager Jensen summarized a comparative study of provisions in other large cities. Discussion followed. Information requested for follow-up further options relative to other creative public financing for campaigning (like televised candidate forums, or articles in a citywide newsletter), expenditure limits and a review of cost-of-living increases issues.

Public Comments:

Virginia Holtz, League of Women Voters, mentioned that the League's Smart Voter website provides a non-partisan, no cost option for candidates.

Ross Signorino suggested that administrative expenses (office space, office expenses, campaign manager costs) should be separated out and considered in setting the expenditure limits.

The Task Force mutually agreed to send on to the City Council the draft ordinance at the meeting of November 16, 2004.

IV Task Force Review/Discussion of and Recommendations for Council Policy 0-28 (Censure) and related issues

Council Member Yeager expressed concerns about forwarding the existing policy to Council in its current form and suggested waiting for the final policy to provide for Council's review. Council Member Reed agreed the current policy version is

IV (Cont'd.)

not ready to be voted on, but he would like for Council to begin reviewing the policy through it's revisions to allow them visibility of the changes since he doubted there would be a revised version of the policy prior to December 14, 2004.

Council Member Chavez stressed the importance of creating a pre-censure description pertaining to the investigative procedure preceding a censure hearing, to inform the public of the censure process and to enable future Council's the benefit of the information and suggested the revised Censure policy should include a statement clarifying once action is taken, all issues are referred to the right and proper agency.

Council Member Yeager asked the City Attorney's Office to return to the Task Force at the November 15th meeting with a range of option the City Council can take when reprimanding or censuring a Council Member. Council Member Reed asked the City Attorney's Office to verify if the Council can enforce state law regarding offensive conduct.

Public Comments:

Ross Signorino expressed concern regarding the investigation timeline for Council Member Gregory.

V Task Force Review of Issues regarding Incompatible Concurrent Outside Employment of Councilmembers

Council Member Chavez asked the City Attorney's Office to provide the Task Force with ballot arguments related to the past raise in salary for Council Members and how they relate to work expectations of Council by the public.

Council Member Reed questioned the Task Force as to whether or not they should include within their ordinance should directly follow state law or to include language relating to concurrent employment and spousal employment restrictions.

Council Member Chavez asked the City Attorney's Office to provide the Task Force with ballot arguments related to the past raise in salary for Council Members and how they relate to work expectations of Council by the public. Council Member Reed questioned the Task Force as to whether or not they should include within their ordinance should directly follow state law or to include language relating to concurrent employment and spousal employment restrictions.

Council Member Yeager asked the City Attorney's Office to clarify what employment, if any, can Council conduct while in office.

VI Task Force Review of Issues regarding the Income of Spouses of Councilmembers

This item was deferred to the November 15, 2004 Blue Ribbon Task Force Meeting.

VII Oral Communications

There were none.

IV Adjournment

The meeting adjourned at 12:08 p.m.