

## MINUTES

### **ETHICS REVIEW COMMISSION MEETING JANUARY 20, 2010 5<sup>TH</sup> FLOOR AMERICAS CONFERENCE ROOM - 5:00 P.M.**

#### **MEMBERS PRESENT**

Gerald Mangrum, Mayoral  
Richard D. Pineda, District #1  
Andre Ewing, District #4  
Rodney Hansen, District #5  
Paul Harrington, District #6  
Alexander Neill, District #7

#### **MEMBERS ABSENT**

Raymond Rodriguez, District #2  
Yusuf Farran, District #3  
Gracia Sandoval, District #8

#### **OTHERS PRESENT**

City Representative Carl Robinson  
Elaine S. Hengen, Senior Assistant City Attorney  
Sandra Dunsavage, Recording Secretary

#### **I. CALL TO ORDER**

Seeing a quorum, Chair Mangrum called the meeting to order at 5:00 p.m.

#### **II. APPROVAL OF MINUTES FOR SEPTEMBER 30, 2009.**

Dr. Pineda moved to approve the minutes of September 30, 2009. Mr. Harrington seconded motion, all in favor and the motion passed unanimously.

#### **III. DISCUSSION AND ACTION ON A PROPOSED AMENDMENT TO THE ETHICS ORDINANCE TO LIMIT THE TIME PERIOD FOR ACCEPTING CAMPAIGN CONTRIBUTIONS.**

Chair Mangrum commented that a memo to Rep. Carl Robinson was forwarded on October 16, 2009 requesting that this item be brought to the Legislative Review Commission for review. As of this day this item has not yet been presented to the Legislative Review Commission.

Ms. Hengen explained that Representative Robinson's secretary forwarded an email to the members of the Council Rules LRC on January 14, 2010 asking that they check their calendars for availability for a meeting on either February 4<sup>th</sup>, 18<sup>th</sup>, or 25<sup>th</sup>.

Representative Robinson reported to the Commission that the Council Rules LRC would be scheduling a meeting for purpose of reviewing the recommendation of the six-month timeframe for fundraisers of six months before and six months after an election. Representative Robinson also reported that members of the Ethics Review Commission would be invited to attend the Council Rules LRC Meeting. No action taken on this item.

#### **IV. DISCUSSION AND ACTION REGARDING THE IMPACT AND EFFECT OF THE GIFT PROVISIONS IN SECTION 2.92.040 OF THE ETHICS ORDINANCE AND REPORTING REQUIREMENTS AND POSSIBLE AMENDMENTS TO THESE PROVISIONS.**

Chair Mangrum explained that Representative Holguin presented concerns about events that elected officials used to be able to attend and certain restrictions relating to the 2009 change to the Ethics Ordinance. Chair Mangrum explained that it is not the intention of the Ethics Review Commission to prevent elected officials from being accessible to constituents. Chair Mangrum offered a recommendation to Representative Holguin that the Mayor and Council provide a list of recurring events that they attend on a regular basis.

Dr. Pineda commented on the Ethics Advisory Opinion and asked how this opinion impacts the actions of the Ethics Review Commission.

Ms. Hengen explained that she is aware of the number of issues that have been presented. She explained that there have been many questions from the council representatives and department heads regarding the acceptance of different types of gifts and the acceptance of tickets to an event. Ms. Hengen explained that the State Ethics Commission issued Ethics Advisory Opinion No. 484. The Ethics Advisory Opinion may have more of an impact on the ability of the council representatives to accept certain items than the changes that were made to the Ethics Ordinance. One of the changes made to the Ethics Ordinance was to provide a blanket restriction on accepting anything with a value of over \$75.00. There is an exception in the Ethics Ordinance that an elected official may accept a ticket to an event that is valued more than \$75.00 with the purpose of their attendance being for an official purpose. One example is the acceptance of Captains Club tickets to the Sun Bowl game. The Captains Club tickets are valued greater than \$75.00 and purpose for attending is for an official purpose of greeting the dignitaries visiting the game. The Ethics Ordinance created an exception for these types of events, however, the Ethics Advisory Opinion 484 closed that exception. That opinion relates to the acceptance of campaign contributions in conjunction with office holder activities. There are two types of political contributions under the election code. There are campaign contributions and there are office holder contributions. Both political contributions have to be accepted in accordance with the requirements of the election code.

Ms. Hengen further explained that this new opinion describes receiving a ticket to an event where the elected official is asked to appear for an official duty would be an office holder duty, which would make the receipt of that ticket and office holder contribution. However, office holder contributions can never be received from a corporation. A corporation could never give a ticket to an event for appearance to an official purpose to an elected official. No action taken on this item.

#### **V. DISCUSSION AND ACTION ON THE ANNUAL REPORT TO THE CITY COUNCIL.**

Ms. Hengen provided members with a draft of the 2009 Annual Report. Annual Report includes membership and the work undertaken, 8 meetings in 2009, meetings from January through April commission worked on proposed amendments to the Ethics Ordinance. Meeting held in May 2009 was a follow-up hearing concerning the complaint regarding City Representative Rachel Quintana. A copy of the 2009 Annual Report is provided as an attachment to the minutes.

Dr. Pineda made the motion that the 2009 Annual Report be adopted and presented to City Council. Mr. Ewing seconded, all in favor and the motion passed unanimously.

#### **VI. DISCUSSION AND ACTION ON THE STATUS OF APPOINTMENTS AND MEMBERS ON THE COMMISSION.**

Ms. Hengen reported that the terms of office for the following members will end on February 20, 2010: Mayor: Gerald Mangrum; District 1: Richard Pineda; District 3: Yusuf Farran; District 6: Paul Harrington; and District 7: Alexander Neill. Mr. Mangrum, Dr. Pineda and Mr. Farran have each served two full, consecutive terms and therefore, are not eligible for reappointment pursuant to the provisions in Chapter 2.04 of the City Code. Mr. Harrington and Mr. Neill are both eligible for reappointment.

Certificates of Appreciation presented to Mr. Mangrum, Dr. Pineda, and Mr. Farran in appreciation for their service and outstanding contributions to the Ethics Review Commission. Mr. Farran was not in attendance and certificate will be sent to him via U.S.P.S.

#### **VII. DISCUSSION AND ACTION ON A STAFF REPORT PROVIDING EXPLANATION OF THE CITY'S CURRENT PURCHASING POLICIES AND PROCEDURES.**

Ms. Hengen explained that this is an item that Mr. Farran had asked for during one of the previous meetings concerning purchasing policies in conjunction with the issues pertaining to the discretionary contracts and restrictions.

Chair Mangrum made the motion to delete. Dr. Pineda seconded motion, all in favor and the motion passed unanimously.

### **VIII. SCHEDULING OF NEXT MEETING(S).**

Chair Mangrum suggested that the next meeting be held on Tuesday, March 30, 2010, 5:00 pm.

### **IX. ADJOURNMENT.**

Motion made by Dr. Pineda and seconded by Mr. Ewing to adjourn the meeting. All in favor and motion passed unanimously. Meeting adjourned at 5:40 p.m.