

## MINUTES

### **ETHICS REVIEW COMMISSION MEETING SEPTEMBER 30, 2009 5<sup>TH</sup> FLOOR AMERICAS CONFERENCE ROOM - 5:00 P.M.**

#### **MEMBERS PRESENT**

Gerald Mangrum, Mayoral  
Richard D. Pineda, District #1  
Raymond Rodriguez, District #2  
Rodney Hansen, District #5  
Alexander Neill, District #7  
Gracia Sandoval, District #8

#### **MEMBERS ABSENT**

Yusuf Farran, District #3  
Andre Ewing, District #4  
Paul Harrington, District #6

#### **OTHERS PRESENT**

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 5:05 p.m.

#### **II. APPROVAL OF MINUTES FOR AUGUST 26, 2009.**

Dr. Pineda moved to approve the minutes of August 26, 2009. Mr. Neill seconded motion, all in favor and the motion passed unanimously.

#### **III. DISCUSSION AND ACTION ON MAKING REVISIONS TO THE CAMPAIGN FINANCE PROVISIONS IN THE ETHICS ORDINANCE.**

Chair Mangrum gave the floor to Dr. Pineda. Dr. Pineda provided members with a hand out of a Law Review article from 2007 containing information on public financing. Dr. Pineda gave a presentation on public financing and highlighted the main topics. Dr. Pineda explained that publicly financed campaigns or clean elections as referred to in the legal and legislative literature are established to allow public funding for political campaigns. The general rule involved in various municipalities is that the candidate is required to collect a small number of qualifying contributions, usually \$5.00 contributions. Once the qualifying contributions and qualifying signatures are met, then the candidate is able to draw additional funds from the public source. The system has to be a voluntary system establishing a publicly financed campaign to optimally lower the levels and place a campaign cap in general across the board. The main purpose of considering and discussing public finance campaign and forwarding to the Legislative Review Committee is because there are a number of ethical benefits to having publicly financed elections. The big issues are costs and how the costs are funded. There are a

number of ways to fund public financed campaigns as outlined in the Law Review article. In some cases fees are used, fees such as lobbyist filing fees. Other fees used are fees for fines or violations of the election code. A copy of the Law Review article is attached as part of the minutes. Discussion was had and questions were presented reference public finance and issues such as limiting the overall cap and how to impact the amount of money spent on campaigns. Dr. Pineda commented that he doesn't see the Legislative Review Committee as wanting to move this forward.

Chair Mangrum stated that even if the Legislative Review Committee doesn't move forward with the proposal of publicly financed campaigns, this still gives them the opportunity to say no.

Mr. Rodriguez made the motion to forward and send to the Legislative Review Committee for their recommendation. Chair Mangrum commented that the recommendation is not ready to forward yet. A finalized general recommendation is needed in order to forward to the Legislative Review Committee to discuss and develop into a policy.

Dr. Pineda stated that he felt the commission should suggest a review of the concept and a base explanation of the feasibility of the concept.

Ms. Hengen explained that the Legislative Review Committee will want to see something presented to them and suggested that a presentation could be done in the form of a power point. Ms. Hengen explained that the Legislative Review Commission will want to know why the Commission thinks this is necessary. They will want to know how to get it implemented and how go about applying it. The Legislative Review Commission will want to know about the limitations and what the restrictions are. They will be interested in knowing where funding for this will come from and if the commission has suggestions on where the money will come from.

Dr. Pineda recommended that this matter be tabled until the Legislative Review Committee makes movement on the recommendation of the six month timeframe for fundraisers of six months before and six months after an election.

Chair Mangrum made the motion to table this initiative until movement is made on the six month timeframe. Mr. Rodriguez seconded motion, all in favor and the motion passed unanimously.

Ms. Hengen reported to the committee that she will finalize the drafted ordinance document and forward it along with a memo to Representative Robinson, with a copy to the other Legislative Review Commission members asking for their review and approval.

#### **IV. 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 table this item. Dr. Pineda seconded motion, all in favor and the motion passed unanimously.

#### **V. DISCUSSION AND ACTION REGARDING PROVISIONS IN THE ETHICS ORDINANCE RELATING TO THE REPORTING OF MEALS AS GIFTS.**

Ms. Hengen explained that there have been concerns raised regarding the reporting of a \$15.00 lunch and whether it is required to be reported. Clarification is needed on whether a \$15.00 lunch would be considered hosting under the reportable gift section, and therefore, wouldn't require reporting until the amount is \$50.00. On the reporting of gifts, typically a gift does not have to be reported until it is over \$10.00. There were some exceptions where the commission did create different rules, and one of those exceptions was for the reporting of hosting such as travel expenses, entertainment, meals or refreshments that has a value of more than \$50.00 other than hosting provided on account of kinship professional or business relationship. The ordinance uses two similar phrases – the phrase “reasonable hosting” in 2.92.040, but just the term “hosting” in 2.92.070B. If someone is going to take a department head out to lunch because they are a department head, if it was \$15.00, the question is whether they would have to report it. One interpretation is that the two sections are supposed to go hand in hand, that hosting meant reasonable hosting. Clarification is needed reference reporting hosting and meals on the reportable gift form and whether a \$15.00 lunch is required to be reported or not. The question is reporting and this is where clarification is needed. If the commission wants to require that the \$15.00 lunch be reported, an amendment to the ordinance is needed. No action or amendment is needed if the commission does not see the need to require reporting hosting, meals and entertainment that is less than \$50.00.

Chair Mangrum commented that if the department head or Mayor and Council is being treated lunch or dinner by a neighborhood association president, the intent is that the lunch/dinner is not required to be reported if it's under \$50.00. The lunch/dinner is required to be reported if it is over \$50.00. No action taken on this item.

**VI. DISCUSSION AND STAFF REPORT REGARDING THE PASSAGE OF ORDINANCE 17189 WHICH MADE THE ETHICS ORDINANCE APPLICABLE TO THE MEMBERS OF THE PUBLIC SERVICE BOARD.**

Ms. Hengen reported that on September 8, 2009 the City Council passed Ordinance 17189 making the Ethics Ordinance applicable to the members of the Public Service Board. Also on September 8, 2009 the City Council authorized the issuance of bonds. The bond ordinance has a covenant which says that the Ethics Ordinance is applicable. No action taken on this item.

**VII. SCHEDULING OF NEXT MEETING(S).**

Chair Mangrum suggested that the next meeting be held on Wednesday, January 20, 2010, 5:00 pm.

**VIII. ADJOURNMENT.**

Motion made by Dr. Pineda and seconded by Mr. Rodriguez to adjourn the meeting. All in favor and motion passed unanimously. Meeting adjourned at 6:10 p.m.