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Martin J. Chávez, Mayor

Randy M. Autio, Interim City Clerk

BOARD OF ETHICS & CAMPAIGN PRACTICES
VINCENT E. GRIEGO CHAMBERS
Basement, City/County Government Center
Tuesday, June 30, 2009

MEMBERS PRESENT:

Robert Tinnin Jr., Chairman
Cliff Richardson
Kay Duffin
Jimmy Trujillo
Jolene Wolfley
Ben Silva
Alan Schwartz

OTHERS PRESENT:

Randy M. Autio, Interim City Clerk
Jeanette Lovato, City Clerk's Office
Doris Duhigg, Legal Department

Item 1. Call to Order

The Board of Ethics and Campaign Practices meeting of June 30, 2009, was called to order by Chairman Tinnin at 4:05 p.m.

Item 2. Nomination and selection of the neutral Chair for the Board of Ethics & Campaign Practices

Chairman Tinnin turned the meeting over to Vice-Chairman Alan Schwartz. Vice Chairman Schwartz opened the floor for nominations for Chair. Jimmy Trujillo moved to nominate Robert Tinnin. Ben Silva seconded motion. Motion passed 6-0.

Item 3. Settlement Agreement for BOE-04-2007 Pauline Sargent vs. Katherine Martinez

Randy M. Autio, Interim City Clerk explained the settlement agreement between the City and Katherine Martinez. Ms. Martinez was not present for the meeting but was in agreement with the requirement of the settlement agreement. After, the Board being fully advised of the settlement agreement Member Schwartz moved to accept the settlement agreement. Member Trujillo seconded. Motion carried 6-0 vote.

Item 4. Discussion and action on proposed changes to the Board of Ethics Rules and Regulations pertaining to the Election Code for minor changes to section 5 (I)(3) and Section 7(A). A copy of the proposed changes is available at the City Clerk's Office and/or the City Clerk's web page under "Board of Ethics 2009 Proposed Rule Changes."

Randy M. Autio, Interim City Clerk stated the committee that was selected by the Board to review the Board of Ethics Rules and Regulations for the Election Code met. Mr. Autio explained that because of the short time frame there were two important items that needed to be changed. He also felt that the rules for the Election Code should be revisited. After the Board being fully advised of the minor changes to the Board of Ethics Rules and Regulation to the Election Code Member Silva moved approval of changes. Member Trujillo seconded. Motion carried 6-0 vote.

Item 5. Board discussion and consideration of adopting an Open Meetings Policy Resolution for the Board of Ethics & Campaign Practices

Member Trujillo moved to adopt the Open Meetings Policy Resolution for the Board of Ethics & Campaign Practices. Member Richard seconded. Motion carried 6-0 vote. Member Trujillo moved to amend the date reflecting today's date with meeting time. Member Duffin seconded. Motion carried 6-0 vote. The Board had some discussion regarding section 4(b) regarding closed meetings. No action was taken regarding this discussion.

Item 6. Other Business

Member Richardson had concerns regarding language with **Article 12 Code of Ethics section 3 Board of Ethics and Campaign Practices** on qualified elector of the city. Member Schwartz inquired about members who have heard a case that has not been decided and members are required to continue to hear the matter after the term is expired. But there was no language that stated if the member was qualified to be a member of the Boards of Ethics. Chairman Tinnin asked Legal Council Doris Duhigg to look into the first matter which raises a legal interpretation. Mr. Tinnin would like the Board to discuss the second matter brought up by Member Schwartz if the board would like to propose the changes. Interim City Clerk Randy M. Autio informed the Board of a reporting issue that has come up regarding the quarterly statements and first statement (S1) reports for individuals who are elected officials and are running for re-election. Mr. Autio stated the charter is silent regarding this matter and is asking the board for permission to send out a letter to elected officials who are running for re-election they will have to file only the (S1). Randy M. Autio was given permission to send out a letter regarding the reporting issue between the quarterly statement and (S1) report. Member Richardson asked Randy M. Autio, Interim City Clerk if he could update the Board with the proposed changes to the charter that will effect the Board. Mr. Autio responded and informed the Board of the changes for the charter amendments that will be on the current ballot and the changes for candidate reporting.

Item 7. Adjourn

Member Schwartz moved to adjourn. Member Trujillo seconded. Motion carried 6-0 vote. Board adjourned at 5:35 p.m.

Approved: _____

Robert P. Tinnin, Jr., Chairman

Date: _____

2/24/11