



Agenda

DATE 10/5/17 TIME 8:33am
SERVED BY Zachary Shandler
RECEIVED BY [Signature]

ETHICS & CAMPAIGN REVIEW BOARD

THURSDAY, October 12, 2017

3:00 p.m.

City Council Chambers

1st Floor, City Hall

200 Lincoln Avenue

1. PROCEDURES
 - a. Roll Call
 - b. Approval of Agenda
 - c. Approval of Minutes - August 23, 2017
2. 2017-2018 Election Cycle--Question and Answer
 - a. Board Comments
 - b. Staff Comments on Signs and Election Rules
 - c. Candidate and Audience Questions
3. Discussion and Possible Action
 - a. Case #2017-7. Complaint Filed by David McQuarie, Private Citizen, Alleging Violation of SFCC 1987, Section 1-7.3(B); (C); "Ethics" Against Keith Wilson, City Employee.

In Accordance with Section 6-16.4 SFCC 1987 "Determination of Legal Sufficiency; Setting a Hearing." Consideration of Whether the Complaint Sets Forth Legally Sufficient Facts Which, if True, Show Probable Cause to Believe There Was a Violation. (The Board May Go Into Executive Session Under NMSA 1978, Section 10-15-1(H)(3) to Deliberate in Connection With an Administrative Adjudicatory Proceeding.)

 - 1 Action Regarding Whether the Complaint Sets Forth Legally Sufficient Facts Which, if True, Show Probable Cause to Believe There Was a Violation.
 - 2) Action on Any Steps as Permitted Under Section 6-16.4 (D) – Section 6-16.7 SFCC 1987.
 - b. Legislation Relating to Independently Sponsored Campaign Communications and Reporting: Amending Subsection 9-2.6 to Make Changes to Independently Sponsored Campaign Communications and Reporting.
4. BOARD MATTERS
5. GENERAL PUBLIC COMMENT
6. SCHEDULE NEXT MEETING
7. ADJOURNMENT

PERSONS WITH DISABILITIES IN NEED OF ACCOMMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 955-6520, FIVE (5) WORKING DAYS PRIOR TO MEETING DATE.

**INDEX OF
CITY OF SANTA FÉ
ETHICS AND CAMPAIGN REVIEW BOARD**

October 12, 2017

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**MINUTES OF THE
CITY OF SANTA FE
ETHICS AND CAMPAIGN REVIEW BOARD
Thursday, October 12, 2017**

I. PROCEDURES

A. ROLL CALL

A special meeting of the City of Santa Fe Ethics and Campaign Review Board was called to order on the above date by Justin Miller, Chair, on this date at approximately 3:00 p.m. in the City Council Chambers, 1st floor, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

Roll call indicated the presence of a quorum as follows:

Members Present:

Justin Miller, Chair
Judith Amer
Paul Biderman
Ruth Kovnat
Kristina Martínez

Members Absent:

Seth McMillan [excused]
Tara Luján

Staff Present:

Yolanda Y Vigil, City Clerk
Zachary Shandler, Assistant City Attorney

Councilors Present:

Peter Ives
Ron Trujillo
Signe Lindell
Joseph Maestas
Councilor Dominguez (arrived later)

Others Present:

See attached sign-in sheet.
Carl Boaz, Stenographer

B. APPROVAL OF THE AGENDA

MOTION: Member Martínez moved to approve the agenda as presented. Member Biderman seconded the motion and it passed by unanimous voice vote.

C. APPROVAL OF MINUTES

1. August 23, 2017

MOTION: Member Kovnat moved to approve the minutes of August 23, 2017 as presented. Member Martínez seconded the motion and it passed by unanimous voice vote.

2. 2017-2018 ELECTION CYCLE--QUESTION AND ANSWER

A. Board Comments

Chair Miller explained the format for the question-and-answer session on the upcoming election and that City Clerk Yolanda Vigil and Zach Shandler and others would comment. He thanked those in attendance.

He provided background on the role of the ECRB to administrate the City's Code of Ethics, the Campaign Code and the Public Campaign Finance Code and is both advisory as well as an enforcement body. The Board hoped through their advisory role to minimize their enforcement role.

Chair Miller indicated one aspect of the Campaign Code he would highlight is reporting expenditures and contributions of campaign and independent groups, including in-kind and others less clear.

He asked Member Kovnat to talk about an opinion the Board issued at the last meeting.

Member Kovnat reported that the subcommittee, she, Member Biderman and Member Martinez worked to give advice regarding disclosure obligations, particularly for political committees receiving in-kind contributions. The rule is that all contributions must be reported as well as the source of the contribution. A question was posed regarding an in-kind contribution from an entity that also must independently report; an entity that itself distributes campaign materials and has expenditures over 250 dollars.

The subcommittee wanted to be clear that disclosure by the candidate or political committee would not absolve an independent entity from the required disclosures under 9.2.6 of the code. The advisory opinion was published to guide candidates/political committees receiving in-kind contributions and independent entities with that type of expenditure. Specific examples were included.

Chair Miller added that the subcommittee also is meeting with Staff to clarify requirements for the forms.

B. Staff Comments on Signs and Election Rules

Ms. Vigil introduced the candidates and acknowledged those present:

District 1 - Doug Nava and Signe Lindell were present and Marie Campos who was not in attendance.
District 2 - Joe Arrellano, Nate Downey and Carol Romero Wirth

District 3 - Lawrence Trujillo (withdrew). Roman Abeyta and Jim Williamson both not present.

District 4 - Greg Scargall, Eric John Holmes and JoAnne Vigil Coppler.

The Mayor's position has 8 candidates. Mr. Khalsa has indicated he will withdraw and will bring in his letter next week. The remaining candidates are Ronald Trujillo, Harvey VanSickle, Peter Ives, Joseph Maestas, Wesley Sandel, Alan Webber, Kate Noble and Richard Frias.

Petition signatures must be filed on November 6th in the City Clerk's office and on November 20 the \$5 contributions. The Board will be informed of those qualifying.

Ms. Vigil acknowledged Land Use and Constituent Services Staff in attendance. She introduced Ms. Georgia Urioste from Land Use to provide information on temporary signs.

Ms. Urioste explained many complaints are candidate signs on rights of way that block sidewalks, visibility, etc. A building permit is not required. She reviewed the sign requirements: signs should not be on or overhang public property/rights of way; be in curb strips (the planting strips between sidewalk and curb) other than in residential with the owner's permission. A liaison contact is required on every sign and on file in the City Clerk's office. Fines can be imposed for unlawfully placed signs and Staff can be directed to remove signs, including towing a vehicle with campaign signs illegally parked on City property. Signs cannot be large than 32 square feet and must be removed within 5 days after the election.

There are also regulations on littering, including putting handbills on a parked vehicle, etc. She invited people to call if they had questions or a complaint.

Mr. Gurulé added complaints are also received through the office of Constituent Services and the website has a Report and Request option for complaints. His office also receives complaints by telephone, in person and in the mail. All complaints are entered into the CRM (Citizen Relationship Management) system with an ID number and tracked through completion.

Mr. Shandler noted three legal matters: City Council adopted the 2017-2018 Election Resolution that will be published to the public and provide key election dates. Candidates have received the material in their packets and it is on-line. Candidates need to meet with the City Clerk on Tuesday, October 17 to get the official number of signatures received.

Secondly, candidates had a lot of questions about the \$5 qualifying contributions. A short advisory letter will be issued Monday stating Pay Pal cannot be used to collect the \$5. They deduct a fee and contributions must be exactly 5 dollars.

Another question was if someone could pay the \$5 contribution for another person and an advisory letter was issued today stating existing City code does not allow that. An article was attached from the Albuquerque Journal regarding a candidate in Albuquerque who was fired because of that.

Ms. Vigil clarified the Election Resolution is on the City Clerk's web page in English and Spanish. All the candidates present have signed their receipt of the advisory memo on the five-dollar qualifying contributions. She reiterated that candidates need to come into the Clerk's office on the 17th to get their exact number of petition signatures required. She informed the Board that all candidates except for the two not present, had signed acknowledgment of familiarity with the Campaign Code. She will follow up with the two not present.

C. Candidate and Audience Questions

Ron Trujillo said he has a person sign a check for the \$5 contribution to the City and writes the donor's name in the memo of the check.

Ms. Vigil explained the check should be written to the candidate who then deposits the money into their campaign account. The candidate writes a check from their campaign account to the City for the money collected when they file on November 20, 2017.

Michael Harkady of Santa Fe asked how long the vetting process is for the petitions on November 6 and 20th and how soon candidates would know if corrections are needed.

Ms. Vigil replied on petitions filed on November 6 the Clerk's office has ten days (November 16) to complete them. A state statute allows for a person who did not get the correct number of signatures required and the candidate packets include remedies for that. She is required to publish the names of people who did not qualify in the newspaper.

Mr. Harkady asked if candidates could anticipate problems, exceed the \$600 minimum.

Ms. Vigil said they should exceed the minimum number of nominating petitions required whether a councilor or mayoral candidate, in case a name is rejected. She recommended 2-3 three times above the required amount.

Nate Downey at 1104 Don Gaspar and a candidate for District 2 confirmed that qualifying checks and the seed money should be written to the candidate, or candidate's committee, or both.

Ms. Vigil clarified it was in whatever way the candidate sets up their campaign account.

Mr. Downey confirmed that a person could give \$100 for seed money and also contribute \$5 for qualifying. He questioned in 9-3.3 in the Public Campaign Finance Code, paragraph B, last sentence ending "*support the approval or defeat of a ballot proposal other than communications to...*" that he was not sure to whom to referred.

Chair Miller explained it was *communications to*, or editorials, reports, or commentary by news media and is sometimes referred to as a press exception for exempting something from the definition of campaign materials.

Carol Romero Wirth, a candidate in District 2 for City Council has a situation where the person was currently registered to vote but would not turn 18 until December, because a person can register if turning 18 before the next election. Ms. Wirth asked if they could sign the petition before turning eighteen.

Ms. Vigil thought they would not enter the registration until the person turned eighteen. City Attorney Shandler thought it would be okay if the person is registered on the County Clerk's list, but the City would need to confirm when that person is put on the list.

There were no other public comments.

Ms. Kovnat thanked everyone for their questions. Member Biderman reminded them that ECRB members could not take sides in any local election.

3. DISCUSSION AND POSSIBLE ACTION

A. Case #2017-7. Complaint Filed by David McQuarie, Private Citizen, Alleging Violation of SFCC 1987, Section 1-7.3(B); (C); "Ethics" Against Keith Wilson, City Employee.

In Accordance with Section 6-16.4 SFCC 1987 "Determination of Legal Sufficiency; Setting a Hearing." Consideration of Whether the Complaint Sets Forth Legally Sufficient Facts Which, if True, Show Probable Cause to Believe There Was a Violation. (The Board May Go into Executive Session Under NMSA 1978, Section 10-15-1(H)(3) to Deliberate in Connection With an Administrative Adjudicatory Proceeding.)

Chair Miller explained the complaint alleges violation of two provisions of the Code of Ethics: 1-7.3 B intended to adopt standards of behavior for public officials and employees of the City and ensure that decisions are made without consideration of benefit to the decision-maker; and C to provide clear guidance with respect to the standards by clarifying which acts are allowed and which are not.

The Board has received the complaint and response and materials submitted by both. The allegations are that at a meeting of the Mayor's Committee on Disability Plan Review Subcommittee the complainant had submitted concerns about the benches and design layout of bus shelters and the City's compliance with ADA. The complaint alleges that his advice was met with respondent's remarks of obstruction or disregard of the about the complainant's comments at the meeting.

The response claims the remarks were not met with obstruction or disregard and others at the meeting were addressed directly through the natural course of the discussion; information requested by the complainant had been provided and further, the complainant's input was taken seriously and helped the City make design changes in compliance with ADA.

1) Action Regarding Whether the Complaint Sets Forth Legally Sufficient Facts Which, if True, Show Probable Cause to Believe There Was a Violation.

Chair Miller explained the process; first the Board must determine whether the complaint properly alleges a violation of the Ethics Code and is properly before the Board; if the complaint alleges facts that if true, show a violation and if the complaint was filed within one year of the violation; frivolous, or intended solely to harass or intimidate, and if the Board has jurisdiction over the complaint and the jurisdiction to hear the complaint.

Member Biderman questioned if the complaint was against both people on the complaint form, Dave Pfeiffer and Keith Wilson. Mr. Shandler replied that Dave Pfeiffer is no longer an employee.

Mr. McQuarie thanked the Board for hearing his complaint and requested members speak into their microphones. He was having a hard time deciphering what they were saying.

He provided background on his complaint. The Governing Body had directed the Mayor's Committee on Disability (MCD) to conduct a plan review and offer advice on ADA compliance. He has been on the MCD for over 17 years and looks at this from the perspective of a person with disabilities.

Per the Governing Body, the subcommittee is to review plans on a preliminary basis. To him that means as soon as plans are drawn or close to it, not at the end. The subcommittee is not concerned if the money runs out; they care about accessibility for the disabled. When the meeting started he asked for a signed layout and Mr. Wilson gave him a copy but it had no size, arrangement or international symbol of accessibility, which is required.

He explained the current City Transit signs have reduced the symbol of accessibility to a three-inch figure and he had mentioned in the meeting that the minimum size is six inches. He had been told at the meeting that does not matter because bus stops are for people who are walking. He pointed out that State law says the symbol should be large enough to be seen by motorists and although not ADA, he has advised them of that many times.

The State highway layout is good for the bus plazas on Cerrillos Road. The signs are bigger than required and located as required, close to the curb at the beginning of the bus stop. The plan provided did not show on many of the bus stops where the sign would be located and if shown showed integration into the shelter rather than where it would be visible. He specified in the report that the sign should be perpendicular to traffic and behind the curb so as not to be obscured by the shelter.

Mr. McQuarie said he felt bullied. He will no longer stand for that and will not tolerate being bullied. His whole complaint is about that; that he will not be bullied.

Mr. McQuarie pointed out the report had been addressed to everyone that attended and Leanne Valdez, the manager of the project was there but was not listed in the response. Mary McDonald was listed and she left City employment around Christmas. The plans he had been furnished were a recap of a previous plan that had been signed off on and the signer had been told to review and update them because they did not work.

The plan also shows a sign in the middle of an upright, but the base should be 7 feet off the ground and the City had been told in the previous design they have to raise it.

Mr. Wilson explained he currently is the co-director with the Transit Division and has been with the City 8½ years. The project referenced by Mr. McQuarie is phase 2 and had been originally reviewed and signed off on by the ADA Coordinator in 2013. The City assumed, rightly or wrongly that all ADA requirements had been met and were moving forward to construction.

The project was up against the funding deadline because the original project manager Mary McDonald, had retired and the project did lag some. The documents related to the project were requested by Mr. McQuarie and they were provided and the meeting was a result. Mr. McQuarie also requested what the sign panel would look like but that was not provided. There were issues with the previous approved design and they had not redesigned the panel.

The meeting started off a little rough. He was just trying to get to the crux of how to make the plans compliant. Mr. McQuarie had raised his concerns with the design. Mr. Fernandez with the Governor's Commission with Disabilities had also been attending the meetings and had actual guidelines marked where there were design deficiencies. He and Mr. Fernandez at the opposite end of the table from Mr. McQuarie, were also interacting.

Although the subcommittee is advisory their comments are taken very seriously and because of the timeline there were typical layouts for each bus stop. Many of the bus stops had been pulled off the list because of the comments and inability of the City to be ADA compliant within the time period and adjustments were made on the fly on the designs for the bus stops that were implemented.

Mr. Wilson indicated he kept the ADA Coordinator informed throughout the process, which is how the information flows to Mr. McQuarie and he has been fully involved and informed of the progress.

He recalled the sign as not a big piece of Mr. McQuarie's complaint, but admitted it had been a recurring issue of disagreement on what is or is not required. He extensively researched if Mr. McQuarie's requests could be done and done correctly but could not find the information and asked Mr. McQuarie to provide what he used in making his statements. They have not come to an agreement on whether what Mr. McQuarie is asking meets, or does not meet ADA requirements, or requirements for bus stops in general.

Mr. Wilson expressed surprise that Mr. McQuarie felt bullied. He did not think of himself as bully and was shocked at the accusation. He felt he is easy-going. He just wants to work with people and ensure things are done right.

There were no questions for Mr. Wilson from the Board.

Member Martinez indicated her initial impression when reading the complaint and the response was that the Board does not have the power to address this issue. Mr. McQuarie had alleged that rule 1-7.3 B and C were violated, but as she reads, that section is the purpose and intent of the Code of Ethics and merely states *why* the City has a Code of Ethics. She thought the complaint, even if all the facts stated were true,

would not sufficiently state a violation of the Code of Ethics.

Member Martinez moved that the complaint be dismissed as not legally sufficient.

Ms. Martinez explained that was not a ruling on the thoughts or merits of the complaint, but only that this is not the proper forum.

Chair Miller confirmed the motion found the complaint as not legally sufficient and should be dismissed.

Member Biderman seconded the motion.

Member Biderman addressed Mr. McQuarie saying that sometimes it is hard for people to understand when they file a complaint that regardless of sympathy and concern with what was raised, that does not give the Board the authority and they are limited to enforcing rules of ethics in the City code. What Mr. McQuarie described may be very valid about the Division's work and placement of the signs, but that is not within the Board's authority.

Member Biderman was concerned with the bullying, which is the closest, but the Board has no jurisdiction over that either unless it involves people employed by the City. He was sorry Mr. McQuarie spent time coming to the Board, but they were the wrong body to talk to and why he supported the motion.

Member Amer agreed. The Code of Ethics is what the Board is charged with enforcing and this is not a violation. She suggested mediation between the parties would be good to resolve the issues, which are important and Mr. McQuarie's concerns are valid and his feeling that they were not adequately addressed.

The motion to dismiss Complaint Case #2017-7 because it is not legally sufficient was passed by unanimous by voice vote.

2) Action on Any Steps as Permitted Under Section 6-16.4 (D) – Section 6-16.7 SFCC 1987.

No action taken.

B. Legislation Relating to Independently Sponsored Campaign Communications and Reporting: Amending Subsection 9-2.6 to Make Changes to Independently Sponsored Campaign Communications and Reporting.

Mr. Shandler noted the proposed legislation from Councilor Dominguez and indicated the Councilor was looking for a recommendation to proceed. This would have no fiscal impact and goes directly to City Council with the first reading at the November Council meeting followed by a public comment in the December Council meeting.

The Rio Grande Foundation has sued the City on 9.2.6 regarding reporting during a ballot proposition of the

sugar tax election. Councilor Dominguez had been briefed by legal staff on the lawsuit and possible steps going forward and believes the best approach is to strip out two references to ballot propositions from 9.2.6. The Board would be asked at a later date to come up with an alternate number based on case law. A handout was provided to the Board from Common Cause.

Chair Miller asked members for their thoughts before hearing from the public.

Member Biderman asked if Board action would be in the form of a resolution of support, or nothing at all.

Mr. Chandler clarified the Board would recommend or not and it is a non-binding action that will show in the agenda when this goes to City Council.

Member Biderman asked if this would have implication for City litigation that should be part of the Board's discussion. Mr. Shandler replied that could be discussed but lead counsel Marcos Martínez was not available today and Board members and Councilor Dominguez have been briefed.

Public Comment:

Mr. Jim Harrington with Common Cause New Mexico said the bill would take a wrecking ball to a carefully crafted campaign reporting scheme enacted by the City Council in 2005. This has been kept up to date and is a model for the State and one of the best in the country and has been challenged by a lawsuit based on the preposterous assertion that cities and states have no constitutional authority to require disclosure of campaign spending in ballot measure elections.

This bill would cave into that assertion by exempting most independent spenders from reporting. Although it technically leaves in place the political committee reporting, it is irrational because the concern is about political committee reporting.

Individuals wanting to spend money to support a ballot measure would realize if they spent the money as an individual or through their business they would not have to report anything, but if they form a political committee they would have to report every cent. The voters would have no idea who was spending money or where it came from.

He thought the advice Councilor Dominguez received to support the bill was based on a misreading of case law of cases that have nothing to do with this kind of reporting. Most importantly this would give credence to an opinion in a 2010 case in which the judge expressed the view that disclosure to the voters in ballot measure elections would disserve the public interest. That view has never been repeated in any other opinion, severely criticized and rejected in subsequent appellate decisions in the country and is contrary to everything the Supreme Court has ever said on the subject.

One premise of the lawsuit is that the City may be over its head, but the solution is not to abandon the reporting law but to get legal help to successfully defend the lawsuit. Tara Malloy of the Campaign Legal Center - the best lawyer in the country on these kinds of issues - called and sent an email to Marcos Martínez a few weeks ago. Mr. Martínez replied that he did not think the law was defensible. Ms. Malloy

called him back and disagreed. She offered the services again but he never returned her call.

Mr. Harrington urged that the Board recommend Council accept Ms. Malloy's help and defend the lawsuit and the voters' right to know and ask City Council to reject the bill. He noted his alternate bill would take care of a narrow vulnerability in the law that the spending threshold triggering reporting is too low. He cited the two Tenth Circuit Court cases that could provide guidance where \$1k threshold was upheld and another where the court struck down a reporting threshold of \$3,500 as too low.

Mr. Harrington stated Councilor Maestas brought up another issue of the attorney's fees. Campaign finance challenges are civil rights actions and attorney's fees are awarded. The answer is the free services of the Campaign Legal Center. He felt the Board and City Council should take the financial risk to protect voter rights and would urge City Council to vote against the bill and City Staff to accept the legal help.

Member Amer stated Mr. Harrington's opinion is that the proposed ordinance would allow any person or entity to spend unlimited monies on a ballot measure election without having to report and voters would not know who was paying for advertising for ballot measures.

Mr. Harrington said that was correct. The political committee reporting would stay intact. A group that got together with the purpose to support a political ballot measure would have to register and report everything, but no one but the naïve would do that. Spending in the last election indicates it came from people who are not naïve. In addition, giving in would almost compel them to give into a more burdensome reporting in the political committee sections, which was an issue in Coalition for Secular Government in *Samson v Bushee*.

Ms. Karen Heldmeyer reported she received a text that Councilor Dominguez was not sure he would make the meeting tonight. She thought adopting what Staff proposed would be a huge step backwards. People who said they were independent spending committees could hide where their money was going and coming from. An unintended consequence is that groups that should be political committees could restructure to be independent spending committees.

One outlier case on why campaign independent spending committees should not have to say anything has stated that if voters knew who was supporting or not supporting an issue, they might vote on that basis rather than the issue itself. People do that all the time with candidates. She thought this would be a major mistake and they might have to look at the independent threshold, which is all over the map.

Ms. Heldmeyer strongly disagreed with Mr. Harrington's suggestion to increase the threshold up to \$5000. That is a high bar in a small City Council race in districts that might have only 1500 people voting. Political committees should be political committees if they meet the definition, no matter how much they raise.

Mr. Shandler responded for the record that his understanding is that Councilor Dominguez thought this an interim step and the Board would be tasked at a later date with the dollar amount and if this gets to the Council in December, it could be an important period in terms of resolving legal matters.

Member Martinez asked if the City Attorney's Office thought that amending the ordinance would make the litigation go away. She did not think amending it would moot the lawsuit.

Mr. Shandler responded that Councilor Dominguez was briefed and felt this is the best path forward. One of the purposes is to limit exposure and if the City lost they would be looking at the others attorney fees, which come from the tax payers. The Councilor might have considered that.

Mr. Shandler noted that Mr. Martinez had reached out to these organizations and the idea that the City was going it alone was not an accurate representation. He respected the Board's recommendation but reminded them the Councilor could go forward without, or regardless of their recommendation.

Member Biderman assumed the driving force behind the proposal was concern over the litigation. He thought that a very poor way in which to make legislation. Any time an action is taken, someone can sue and if principles are involved it is important they not be compromised.

He expressed concern about compromising some very important principles. There are distinctions between candidates and disclosing contributions to candidates or independent organizations that support candidates and ballot measures. The difference is that a ballot measure can't be compromised by a contribution of money in the way that an individual candidate can. That is the reason distinctions are made as in the Sampson case.

The problem is that this does not speak to the information the voters are getting, which is key. He was concerned with how the democratic rights to vote and make decisions when voting were being eroded one after the other and gerrymandering that influences how much a vote counts that is resulting in extremely disproportionate legislatures. Picture ID requirements influence ability to vote based on income or social status. Felons who have served their time continue to be denied their right to vote. And Citizens United says that contributions from certain sources cannot be limited although they held out the prospect of disclosure and now they are looking at that being eroded as well.

He would recommend Council consider that the thresholds are too low, but to totally eliminate the category of votes on propositions like this is a terrible mistake. These are complicated pieces of writing and hard for the public to understand and the main way the public receives information is through mailers and advertisements and newspapers, which are not objective. Those are sent out at great expense supported by funders to persuade people to their point of view and some are not even accurate.

To have a basis for judging how to vote, the best measure is to know who is behind it. Knowing that tells voters who is supporting the legislation and gives enough information that voters read the advertising and know to be skeptical about it.

Member Biderman said he is strongly against eliminating the oversight this provides and to give that up would be one more erosion they are trying to protect and have been watching slip away.

Member Kovnat agreed with most of Member Biderman's statements. She thought it would be wrong to recommend something inconsistent with the purpose and intent of the campaign code.

Member Kovnat read 9-2.2B that: *political campaign contributions and expenditures be fully disclosed to*

the public and that secrecy in the sources and applications of such contributions should be avoided. And C - that the public's right to know how political campaigns are financed far outweighs any right that this matter remains secret and private. She thought that applied to ballot resolutions just as it applies to candidate elections.

Member Amer agreed with Member Kovnat and Member Biderman.

MOTION: Member Amer moved that the Board not recommend the proposed ordinance change. Member Biderman seconded the motion and made a friendly amendment to recommend City Council review the funding threshold that triggers disclosure requirements in lieu of this.

Member Amer accepted the friendly amendment.

The motion to not recommend as is, but to recommend City Council review the funding threshold, was passed by unanimous voice vote.

4. BOARD MATTERS

There were none.

5. GENERAL PUBLIC COMMENT

Ms. Valerie Romero stated she is a community advocate for behavioral mental health measures. The undisclosed measure is not in compliance when talking about felons; juveniles who end up in the system. She was one of them and has spent time and effort and is learning how to change the system and appropriately advocate and better enhance the PTSD mechanisms that are not often addressed, and for those who have to surrender their voting rights without a chance to address those constitutional deficiencies.

She holds these things dear to her heart and by putting sensitive matters out, whether cleared up or dismissed, they go against her in economic factors such as the workforce and on her insurance. Things are on her insurance that have been used against her that should not be on her record. Her rates are hiked because of it.

She values her ability to speak and also is advocating because she needs technical assistance to better support measures the Board votes on and in regard to the campaign code, etc. She appreciated that the Board heard her.

Jim Harrington remarked he was glad to hear that the City Attorney's Office had reached out to the Campaign Legal Center. He apologized that he failed to mention that his information was a couple of days old on the Attorney's Office returning calls.

Councilor Carmichael Dominguez thanked the Board for their services and all that they do and for the vote they made earlier. He assured them that Staff and the Council would consider their recommendation and hopefully come up with a good solution.

Member Biderman addressed the Councilor and explained he started with a statement about his concern that the litigation against the City was a major reason the proposal had been made and he addressed his concerns over the litigation. His concern was not to respond to the litigation against the City in that way.

Councilor Dominguez advised the Board all things would be taken into consideration and there are financial implications that must be considered as well. Hopefully they will find a solution that works for everyone.

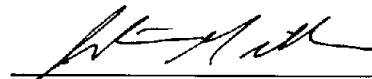
6. SCHEDULE NEXT MEETING

There was no scheduled meeting at this time.

7. ADJOURNMENT

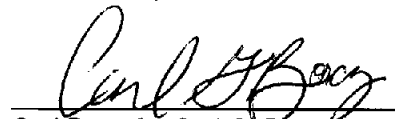
Member Kovnat moved to adjourn the meeting at 4:41 p.m. Member Amer seconded the motion, which passed by unanimous voice vote.

Approved by:



Justin Miller, Chair

Submitted by:



Carl Boaz for Carl G. Boaz, Inc.