

February 16, 2001

REPORT TO THE COMMITTEE ON RULES, FINANCE
AND INTERGOVERNMENTAL RELATIONS

ENACTMENT OF AN ORDINANCE ESTABLISHING AN ETHICS COMMISSION
FOR THE CITY OF SAN DIEGO

INTRODUCTION

At the January 10, 2001 meeting of the Committee on Rules, Finance and Intergovernmental Relations, Mayor Dick Murphy presented a proposal for establishment of a City Ethics Commission. The Mayor's proposal included recommendations for the composition of the Commission, appointment process and terms, responsibilities and duties, qualifications, staff, and budget for the Commission. Following the January 10, 2001, Rules Committee meeting, additional input on the Mayor's Ethics Commission proposal was received from a variety of sources, including citizens, public officials, and members of a past citizen's advisory committee on ethics.

Subsequently, on February 7, 2001, a draft ordinance for establishing the Ethics Commission was presented to the Rules Committee. Input regarding the draft ordinance was received at that meeting from the public and members of the Committee. The Committee proposed some revisions to the draft ordinance, and directed that the draft ordinance be placed on the City's web site to allow for additional public comment. The draft ordinance was published on the City's web site on February 8, 2001.

DISCUSSION

Attached to this report is the second draft of the ordinance prepared by this office for establishment of a City Ethics Commission. The draft ordinance is based on the Mayor's original proposal presented to the Rules Committee on January 10, 2001, and contains revisions based on the feedback that has been received from officials and interested citizens. The language that has been added to this second draft ordinance is in italics and shaded, and the language that has been deleted from the original draft is in strikeout format. The following is a summary of the significant changes that have been made to the ordinance in this latest draft.

1. Composition of the Commission. The original proposal for five Commission members has been changed to seven Commission members, with six members appointed by the Mayor, including the chairperson, and one member appointed by the City Attorney. The change from five to seven members allows for more ethnic, gender, political and professional diversity on the Commission. To that end, language has also been added which states that the Mayor

should consider appointing at least one person who has been an elected official, and that the City Attorney should consider appointing at least one person with a legal background. Further, a provision has been added requiring the Mayor to appoint no more than three members from the same political party. Finally, a provision has been added requiring that the Commissioners appointed shall be fair and equitable citizens of the City of high moral character and ability.

2. Vacancies. The language requiring vacancies on the Commission to be filled within 30 days of the vacancy has been changed to within 60 days of the vacancy, and now expressly provides that an appointment made to fill a vacancy requires Council confirmation.

3. Quorum. Because of the change from five Commission members to seven, the quorum requirement has been changed from three to four members of the Commission. Additionally, the supermajority for imposing sanctions has been changed from four to five members.

4. Reimbursement for Expenses. This section now provides that expenses reimbursed must be “reasonable,” and requires that reimbursement be done in accordance with City Administrative Regulations.

5. Conflict of Interest Code. A provision has been added requiring that a conflict of interest code be adopted for the Commission, and requiring members of the Commission to file statements of economic interests.

6. Jurisdiction of the Commission. Consultants to the City who are required to file economic disclosure statements have been added to the list of persons within the jurisdiction of the Commission. Additionally, the subject matter jurisdiction of the Commission has been modified from “governmental ethics laws,” to more specific categories of ethics laws, including campaign finance, lobbying and conflicts of interest.

7. Responsibilities and Duties. The responsibilities of the Commission have been expanded to include:

Seeking advice from the Fair Political Practices Commission, when appropriate.

Publishing an annual report describing the activities of the Commission, including the number and type of complaints received, and the action taken in response to complaints and investigations.

CONCLUSION

The draft ordinance attached to this report establishes the basic framework for a City Ethics Commission, as set forth in the Mayor’s proposal of January 10, 2001, and incorporates feedback which has subsequently been received from the Rules Committee members, other public officials, and citizens. This draft ordinance is now being presented to the Rules Committee for further review and comment prior to its presentation to the City Council for adoption.

Respectfully submitted,

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City Attorney

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RC-2001-8