

May 1, 1991

REPORT TO THE COMMITTEE ON RULES, LEGISLATION,
AND INTERGOVERNMENTAL RELATIONS

PROPOSED ETHICS COMMISSION

By memorandum dated April 15, 1991, Rules Committee Consultant Rudy Cervantes asked the City Attorney for a report on the requirements for establishing an Ethics Commission in this City, including a comparison with the structure and function of the recently established Los Angeles City Ethics Commission. The following report assumes that the City Council would act under existing law to establish an Ethics Commission either by ordinance or by resolution. This report does not consider what would be possible if the San Diego City Charter were to be amended.

At the outset, it is critical to note that the City of Los Angeles Ethics Commission was established by vote of the people of the City of Los Angeles on June 5, 1990, by amendment to the Los Angeles City Charter. The powers and duties of that Commission were also set forth in that Charter amendment. Other charter amendments on the June 5th ballot treated other subjects not relevant here. The amendments to the Los Angeles City Charter, as adopted in June 1990 pertaining to the Ethics Commission, are attached hereto as Exhibit A. For your convenience we also attach an outline of the major provisions of the relevant charter amendments. This outline is attached as Exhibit B to this report.

If the City Council wishes to establish an Ethics Commission for the City, it could do so under authority of San Diego City Charter section 43. That Charter section reads in relevant part as follows:

SECTION 43. ADVISORY BOARDS AND COMMITTEES.

(a) The City Council may by ordinance create and establish advisory boards. Such boards shall be advisory to the Mayor, Council or City Manager as may be designated by ordinance. All members of such boards shall be appointed by the Mayor with Council confirmation, and the terms of office of such members may extend beyond the elective term of the appointing Mayor. The members of such boards shall serve without compensation and it shall be their duty to consult and advise with the Mayor, Council or City Manager, as the case may be, but not to direct the conduct of any Department or Division. Members of such advisory boards shall be limited to a maximum of eight (8)

consecutive years in office and an interval of four (4) years must pass before such persons can be reappointed.

.....

(c) Whenever under the provisions of this Charter or ordinance the Mayor is vested with authority to appoint the members of boards or committees and does not take such action within forty-five (45) days after the board or committee has been established or a vacancy occurs, then the Council shall make such appointments. The Council may remove committee and board members by vote of a majority of the members of the Council.

To assist you in analyzing the difference in operation of the Los Angeles City Ethics Commission as established by Los Angeles City Charter amendment in June 1990 and what the San Diego City Council could lawfully establish under San Diego City Charter section 43, we have prepared a chart comparing the structure and function of the two and have attached it as Exhibit C to this report.

The City Attorney will be happy to respond to any other questions you may have about this matter.

Respectfully submitted,
JOHN W. WITT
City Attorney

CCM:jrl:011.2.1(x043.1)
Attachments
RC-91-24