

CORRECTED COPY

(O-94-130 REV. 1)

ORDINANCE NUMBER O- 18162 (NEW SERIES)

ADOPTED ON FEB 13 1995

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 6, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 1, ENTITLED "GENERAL," ADDING SECTIONS 26.0101, 26.0103, 26.0104, 26.0105, 26.0106, 26.0107 AND 26.0108; BY RENUMBERING SECTION 26.03; BY ADDING DIVISION 3 ENTITLED "BOARD OF LIBRARY COMMISSIONERS"; AND BY RENUMBERING SECTION 26.01, ALL RELATING TO BOARDS AND COMMISSIONS.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 6, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding Division 1, to read as follows:

Division 1

General

Section 2. That Chapter II, Article 6, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding Section 26.0101, to read as follows:

SEC. 26.0101 Purpose and Intent

(a) City Council intends to implement Government Code Sections 87300 through 87313 pertaining to conflict of interest codes for City boards and commissions.

(b) The City Council also intends to implement penalties for boards and commission

members who fail to file required statements of economic interest.

(c) The City Council also intends to establish a system for maintaining records for boards and commissions.

Section 3. That Chapter II, Article 6, Division 1 of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 26.03 to Section 26.0102 to read as follows:

SEC. 26.0102. Official Records of Boards and Commissions

Official records of the Boards and Commissions of The City of San Diego may be maintained by the City Department responsible for staffing each Board and Commission unless otherwise provided by State law or the City Charter.

Section 4. That Chapter II, Article 6, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding Sections 26.0103, 26.0104, 26.0105, 26.0106, 26.0107 and 26.0108 to read as follows:

SEC. 26.0103. Definitions

"Code Reviewing Body" means the entity authorized to carry out the duties described in California Government Code section 87303.

SEC. 26.0104. The City Council As Code Reviewing Body for Conflict of Interest Codes.

(a) The City Council shall serve as the Code Reviewing Body under Government Code

Section 87303 for review and adoption of conflict of interest codes for boards and commissions created by City Charter, ordinance, resolution, or formal action of the City Council.

(b) Upon recommendation of the City Manager in consultation with the City Attorney and City Clerk, the City Council shall determine by resolution whether a particular board or commission is required by Government Code section 87100 and 2 California Code of Regulations 18700(a)(1) to have, and be subject to, a conflict of interest code.

SEC. 26.0105 Exception for Solely Advisory Boards and Commissions

(a) The City Council finds that certain of the City's boards and commissions are "solely advisory" within the meaning of Government Code section 87100, and are therefore not required by law to have conflict of interest codes.

(b) Except as provided in Section 26.0106, for those boards and commissions not required by law to have conflict of interest codes, the City Council declares that citizens serving as volunteers on those boards and commissions shall not be required

to complete and submit economic disclosure forms and shall not be required to disqualify themselves from deliberations or decisionmaking for economic reasons.

SEC. 26.0106 Members of Land Use Boards and Commissions.

(a) The City Council finds that unique and serious potential conflicts of interest arise by virtue of participation on City boards and commissions that deal with land use issues.

(b) The City Council finds that it is in the City's best interest that conflict of interest codes be adopted for those boards and commissions. The conflict of interest code shall be the same as that adopted for boards and commissions required by state law to have them (see Section 26.0104), except that the sole scope of disclosure shall be as follows:

Investments, business positions, and sources of income of the type which engage in land development, construction, or the acquisition or sale of real property; or

Interests in real property located within the City, including real property located within a two-mile radius of any property owned or leased by the City. An

interest in real property that is used as a personal residence is not required to be disclosed, unless the residence is also used for business purposes.

(c) Members of these boards and commissions shall be subject to the disqualification provisions in their respective conflict of interest codes.

SEC. 26.0107 Enforcement Authority

The City Clerk is authorized to administer and enforce Sections 26.0103 through 26.0106. The City Clerk and the Clerk's designees may exercise any enforcement powers set forth in Chapter I, Article 2, Division 1 of this Municipal Code. The City Clerk may promulgate regulations reasonably necessary to implement the intent of Chapter II, Article 6, Division 1 of this Municipal Code.

SEC. 26.0108 Enforcement Remedies

(a) Violations of this division may be prosecuted as misdemeanors subject to the fines and custody provided in San Diego Municipal Code section 12.0201. The City Clerk may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or

pursue any administrative remedy set forth in Chapter I of this Code.

(b) In addition to the general remedies in Chapter I, the City Clerk may levy a fine of \$10 per day, up to a maximum of \$100, for any person who fails to file a statement of economic interest as required by any conflict of interest code adopted under authority of Section 26.0106.

(c) In addition to the penalties set forth in Section 26.0108(a) and (b), members of boards and commissions required by Government Code section 87100 to file economic disclosure forms who fail to file the necessary forms or file them late are subject to applicable penalties set forth in Government Code sections 91000 through 91015.

Section 5. That Chapter II, Article 6 of the San Diego Municipal Code be amended by adding Division 3, entitled "Board of Library Commissioners" to read as follows:

Division 3

Board of Library Commissioners

Section 6. That Chapter II, Article 6 of the San Diego Municipal Code be amended by renumbering section 26.01 to read Section 26.0301, with no change in text.

Revised page.

Section 7. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By *Cristie C. McGuire*
Cristie C. McGuire
Deputy City Attorney

CCM:jrl
01/17/95
02/28/95 (Rev. 1)
Or.Dept:Clerk
O-94-130
Form=o+t