

**CITY OF SAN DIEGO  
ETHICS COMMISSION**

**Office of the Executive Director**

**MEMORANDUM**

**DATE:** November 16, 2015

**TO:** Honorable Council President Sherri Lightner, Chair of the Charter Review Committee

**FROM:** Stacey Fulhorst, Executive Director

**SUBJECT:** Recommended Update to the City Charter  
Docketed for Committee Consideration on December 3, 2015

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As you know, at the Charter Review Committee meeting on May 14, 2015, the Committee expressed support for the Ethics Commission's proposal to amend the City Charter to solidify the existence of the Commission, and asked the Commission to return with proposed language to effect this change. As we previously explained, the Charter currently recognizes certain powers of the Commission, but notes that the Commission is established by ordinance adopted by the City Council. Solidifying the Commission's existence in the Charter will ensure that the Commission cannot be eliminated by Council action, without a public vote.

With respect to draft language, the Commission staff has conferred with the City Attorney's office and proposes the following amendments to Charter section 41(d):

(d) Ethics Commission. ~~For so long as an Ethics Commission remains established by ordinance of the Council, the~~ There shall be an Ethics Commission to administer and enforce the City's governmental ethics laws, which consist of laws regulating the disclosure of economic interests, lobbying efforts, and campaign activities; the acceptance of gifts; financial conflicts of interest; the receipt and expenditure of campaign funds; and other matters proposed by the Commission and adopted by the City Council. In furtherance of these duties, the Commission shall provide training, education, and advice; investigate and enforce violations; refer violations to other enforcement agencies when appropriate; review and audit disclosure statements; monitor the effectiveness of the City's governmental ethics laws; and propose reforms to these laws as necessary to preserve public confidence in City government. The Executive Director of the Commission shall be appointed by the Commission, subject to confirmation by the Council, and shall thereafter serve at the direction and pleasure of the Commission. The Commission may, in accordance with complaint and investigation procedures

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approved by ordinance of the Council, subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records, or other items material to the performance of the Commission's duties or exercise of its powers. The Ethics Commission shall be authorized to retain its own legal counsel, independent of the City Attorney, for legal support and guidance in carrying out its responsibilities and duties.

If you have any questions concerning the proposed amendments, please contact me at your convenience.

A handwritten signature in cursive script, appearing to read "Stacey Fulhorst", written over a horizontal line.

Stacey Fulhorst  
Executive Director

cc: Sharon Spivak, Deputy City Attorney