



OFFICE OF THE CITY CLERK

REPORT

To The Honorable Mayor And City Council

DATE: JANUARY 18, 1995

REPORT NO. 95-02

SUBJECT: PROPOSED AMENDMENTS TO THE SAN DIEGO
MUNICIPAL CODE PERTAINING TO CONFLICT OF
INTEREST CODES FOR BOARDS AND COMMISSIONS

On January 9, 1995, the Rules Committee approved the following three recommendations: 1) rescind Council Resolution No. 275742 requiring that all city advisory boards have conflict of interest codes; 2) approval of an ordinance to amend Chapter 1 of the San Diego Municipal Code to allow the Clerk to take enforcement actions pursuant to that chapter; and 3) approval of an ordinance to establish filing requirements for city advisory boards not covered by state law, that address land use issues (List C1 - Attachment A).

At that same meeting, the Clerk was directed to bring to the Council's attention future instances of board members not filing their Statement of Economic Interests as required by law. The Clerk was asked to outline the process of notifying board members of their filing responsibilities and an approximate timeframe for bringing the names of any non-filers to the City Council for removal. That outline is included as Attachment B. This report summarizes and supplants earlier reports to the Rules Committee.

Proposed Resolution Regarding Conflict of Interest
Codes for Advisory Boards

Proposed Resolution No. R-95-1083 rescinds Resolution Number 275742, adopted on May 21, 1990. This resolution created the requirement that all City advisory boards, commissions, committees and ad hoc committees created for a duration of one (1) year or more be required to have conflict of interest codes with their members required to file Statements of Economic Interest.

Proposed Ordinance Amending Chapter 1
of the Municipal Code

Proposed Ordinance No. O-95-16 adds the City Clerk as a director in Chapter 1 of the Code to allow the Clerk to take enforcement actions pursuant to this chapter.

Proposed Ordinance Regarding Conflict of Interest
Codes for Advisory Boards and Penalties

Proposed Ordinance No. O-94-130 adds sections 26.0101 and 26.0103 through 26.0108. (Section 26.0102 pertaining to records of Board and Commissions already exists, but is renumbered). These new provisions are intended to implement state law pertaining to conflict of interest codes and to set out penalties for board and commission members who fail to file their disclosure statements or who file them late. They also set forth special provisions to govern advisory boards and commissions that deal with land use matters.

The key provisions are more particularly described as follows:

- a. Section 26.0104 states expressly that the City Council serves as the body to review and approve conflict of interest codes for the City's boards and commissions and that the City Council is the body to determine whether a particular board or commission will be required to have a conflict of interest code.
- b. Section 26.0105 essentially parrots state law by declaring that "solely advisory" boards and commissions are not required to have conflict of interest codes. It further declares that, with the exception of boards and commissions dealing with land use matters, these "solely advisory" board members will not have to disclose their economic interests.
- c. Section 26.0106 declares that boards and commissions dealing with land use matters pose unique and serious potential conflicts of interests. It also requires these boards and commissions to have conflict of interest codes even though they may be "solely advisory," and this section also specifically sets forth the scope of disclosure for these boards and commissions.
- d. Section 26.0107 sets forth the authority of the City Clerk to enforce these new provisions.

- e. Section 26.0108 sets forth the penalties for violating these new conflict of interest sections.

Respectfully submitted,



Charles G. Abdelnour
City Clerk

CGA:JL:jb
Attachments

C1

CATEGORY C ADVISORY BOARDS THAT DEAL WITH LAND USE ISSUES

Agricultural Board
Crest Canyon Park Reserve Advisory Committee
Grading Advisory Board
Historical Site Board
La Jolla Shores Planned District Advisory Board
La Jolla Underwater Park Advisory Committee
Los Penasquitos Canyon Preserve
Mission Trails Regional Park Task Force
Old Town San Diego Planned District Design Review
Relocation Appeals Board
Tecolote Canyon Citizen Advisory Board
Tecolote Canyon Natural Park Task Force
Wetlands Advisory Board

C2

ALL OTHER CATEGORY C ADVISORY BOARDS

Binational Issues, Select Board on
Citizens Equal Opportunity Commission
Clean Water Program Oversight Committee
Elections, Campaign and Governmental Ethics Advisory Board*
Human Relations Commission
International Affairs Board
Library Commissioners, Board of
Local Assessment Committee
Noise Abatement and Control, Board of
Police/Community Relations, Citizens Advisory Board
Police Practices, Citizen's Review Board
Public Utilities Advisory Commission, City
Quality of Life Board
Senior Citizens Advisory Board
Small Business Advisory Board
Transportation Demand Management Appeals Board
Waste Management Advisory Board
Women, The Commission on the Status of

* This board was abolished by Council action on July 11, 1994.

CITY CLERK'S PROCEDURE FOR
STATEMENTS OF ECONOMIC INTERESTS
AND PROPOSED TIMELINE FOR REFERRAL
TO CITY COUNCIL FOR REMOVAL

<u>TASK</u>	<u>TIME FRAME</u>	
1. Board members sent letter with notification of filing deadline	Four to six weeks in advance of deadline (D)	D - 30 + days
2. Non-filers sent "late" letter and given additional 30 days in which to file	Within two weeks following deadline (D)	D + 14 days
3. Second Filing Deadline		D + 44 days
4. a. Name of non-filer forwarded to Mayor and Council for removal	Within two weeks following second deadline	D + 58 days
b. Referral to City Attorney and/or Fair Political Practices Commission for violation of Municipal or State law.		D + 58 days