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## OFFICE OF THE CITY CLERK

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# REPORT

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To The Honorable Mayor And City Council

DATE: November 15, 1995

REPORT NO: 95-05

SUBJECT: ETHICS AND ENFORCEMENT ISSUES UPDATE

THIS IS AN INFORMATION REPORT ONLY. NO ACTION IS REQUIRED.

In February of this year I provided information to you about my staff's activities in the area of ethics and enforcement issues during 1994. In light of our ongoing mutual concern about these issues, I am providing this update of our activities during 1995.

The City Clerk is the filing officer for Statements of Economic Interests, Campaign Disclosure reports, and Municipal Advocacy reports pursuant to the state Political Reform Act and the San Diego Municipal Code. As such, the Clerk's duties include notifying filers of the filing deadlines for these statements, determining whether the required documents have been filed and whether they conform on their face with the requirements of state and local law, and reporting apparent violations to the appropriate enforcement authority.

Furthermore, the Clerk's Office takes an active role in providing education and technical assistance to members of the public, city staff, candidates, committees and treasurers to assist them through the maze of state and local laws relating to elections, campaign finance and economic disclosure.

As a part of our educational efforts, we have recently developed "A Campaign Treasurer's 'Baker's Dozen,'" a list of tips for filing campaign disclosure statements with our office (Attached). This will be distributed to all treasurers and candidates during the upcoming nomination period for the March 26, 1996 election.

### Statements of Economic Interests

- So far during 1995, my office has administered the filing of over 1,100 Statements of Economic Interests. Of these, approximately 945 were annual statements, 110 were assuming office statements and 55 were leaving office statements.
- Following the filing deadlines for these statements, 72 people were notified that they had failed to file timely Statements of Economic Interests. Eighty percent (80%) of those who received these letters filed their statements by the second deadline.
- All 1,100 Statements of Economic Interests filed in the Clerk's Office thus far during 1995 were reviewed for "prima facie" compliance with the law. Additionally, 20% of all annual statements, or a total of 228 of the statements filed by employees and board and commission members, were subjected to a full review. Forty-four (44) deficiency letters were sent out as a result of our full and prima facie reviews.
- We issued 13 fines for late filing, for a total of \$970. These fines ranged from \$10 to \$100, based on the late-filing guidelines of the Clerk's Office. Additionally, we waived 45 late-filing fines because the filer offered a justifiable excuse for filing late, filed by our second filing deadline and had no other history of late filing.

### Campaign Disclosure Statements

- Between January and November, 1995, the Clerk's Office was the filing office for 65 campaign committees. After the filing deadlines for campaign statements, 11 follow-up letters were sent to candidates and committees regarding missed deadlines. Four committees have yet to file the required statement, and have been referred to the Fair Political Practices Commission (FPPC).
- To date, these committees have filed a total of 208 campaign disclosure statements with our office during 1995. All 208 statements were reviewed for "prima facie" compliance with the law. As a result of this review, 40 deficiency notices were sent to campaign committees, requesting amendments because information was incomplete. Response to three of these is pending. All others have filed the amendments as requested.

- The Clerk's Office made two additional referrals to the FPPC in 1995 because of irregularities in disclosure. Both matters have been resolved. Additionally, we have made three formal referrals to the City Attorney in 1995. Of these, two have been resolved and one is pending. The Clerk's Office has worked closely with the City Attorney in 1995 to discuss and review campaign disclosure statements filed with our office.
- Five campaign committees were fined for late filing during 1995 for a total of \$50. Late filing fines were waived in five instances.
- A non-filer referred to the FPPC by our office in 1994 was subsequently fined \$4,000.

### Municipal Advocacy

- Each quarter, the Clerk's Office sends notices to all registered municipal advocates reminding them of the filing deadline. The information filed is then compiled and forwarded to the Mayor and Council. In 1995, 95 advocates are on file.
- Because of ongoing concerns about the efficacy of the Municipal Advocacy Ordinance, the Clerk's Office initiated a review of the lobbying ordinances of five other cities in order to identify possible changes and additions to the San Diego Ordinance. The lobbying ordinances of Los Angeles, San Francisco, Phoenix, Chicago and Denver were reviewed. This information was presented to the Rules Committee in early February.

In March, 1995, the Clerk's Office formed a Task Force to review the City's existing Ordinance and to make recommendations for amendments based on input from the Rules Committee. The Task Force has been meeting regularly and is comprised of the Clerk's elections staff, representatives of the Criminal and Civil Advisory Divisions of the City Attorney's Office, the District Attorney's Office and the County Counsel's Office.

The Task Force has continued to research lobbying laws and to consult with experts in the field. By discussing common concerns we hope to develop an Ordinance that will be considered later by the County as well, thus providing uniform lobbying laws for the San Diego region.

The Clerk's Office anticipates bringing an amended lobbying Ordinance to the City Council for consideration in 1996.

Conclusion

In summary, the Clerk's Office has a major role--and takes a pro-active stance--in the review and enforcement of campaign disclosure statements, statements of economic interest, and municipal advocacy reports. We also take an active role in providing information and technical assistance to those who seek our services. I thought you would be interested in this information because of your ongoing concern about ethics and enforcement in San Diego. Should you have any questions, please do not hesitate to call.

Sincerely,



Charles G. Abdelnour  
City Clerk

Attachment

cc: City Attorney  
City Manager

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## A CAMPAIGN TREASURER'S "BAKER'S DOZEN": Helpful Things to Remember When Filing Campaign Statements with the San Diego City Clerk's Office

- The FPPC must pre-approve all computer-generated statement formats. Contact the Technical Assistance & Analysis Division, Fair Political Practices Commission, P. O. Box 807, Sacramento, CA 95804-0807.

- Generally, you should use personal delivery or first class mail to file campaign statements. The exceptions: 2nd pre-election statements and pre-general statements (when only one filing deadline exists between the primary and the general elections) must be filed by personal delivery or guaranteed overnight service. A late contribution is reported by fax, telegram, guaranteed overnight mail through the US Postal Service, or personal delivery within 24 hours of the time the contribution is received. Please note that a mailed statement is considered filed on the date of the postmark. Campaign statements of 30 pages or less may be faxed on or before the deadline, provided that the required original and the required copies are sent to the filing officer(s) by first-class mail or by guaranteed overnight delivery service within 24 hours of the filing deadline.

- Whenever a candidate or officeholder has more than one committee, whether the committees are formed for the same office, or a different office within the same jurisdiction, all committees must file statements each time a committee statement is due. Don't forget to complete Section II of the cover page, "Other Committees Not Included in this Statement", as appropriate.

- The "Verification" section of the cover page must include the signatures of both the candidate/officeholder and the treasurer. When the candidate is his/her own committee treasurer, the candidate must sign both the "candidate/officeholder" and "treasurer" verifications. File the statement with the original signatures on the cover page with the City Clerk's Office.

- There should be no blanks on the summary page. Report "zero" where it's appropriate, and complete all columns.

- Get all the information required by Government Code Section 84211 concerning a contribution to be deposited into the campaign contribution checking account before you make the deposit! This is required by SD Municipal Code Section 27.2921.

- Once a person's contribution has cumulated to \$100 during the calendar year, use the campaign disclosure statement to report the name, address, occupation and employer of the contributor, and the total amount contributed. Please note that there is a difference between your duty to report and your duty to keep records: There is no need to itemize contributions of less than \$100 on the campaign disclosure statement. However, records of all contributions of \$25 or more must be kept and are used to determine whether an individual has contributed \$100.

- For candidate elections, contribution limits in the City of San Diego are \$250 per election, from individuals only. Be sure you don't take more! Once a contribution is deposited and discovered to be in excess of the limit, SD Municipal Code Section 27.2948 requires that you pay the excess amount to the City Treasurer.

- If a contribution comes from a joint checking account, and the name of more than one individual is printed on the check, the entire contribution must be attributed to the individual who signs the check unless an accompanying document indicates the amount attributed to each. If both individuals sign the check, the contribution must be attributed equally unless an accompanying document indicates otherwise. In either case, each contributing individual must sign the accompanying document.

- You may not use a post-office box as an address, either for a contributor or for someone to whom the campaign has paid money. A street address must be listed to be in compliance with Section 84211 of the Political Reform Act and SD Municipal Code Section 27.2931.

- "Self-employed" is not an acceptable way to describe someone's occupation. If the contributor or someone to whom the campaign has paid money is self-employed, you must still provide the name of his/her business on the appropriate schedule.

- It is helpful to note on Schedule A whether a contribution has been applied to the primary or to the general election.

- When you are using Schedule BII, it is helpful to note in the "Amount Repaid or Forgiven on Principal" column whether the loan has been (a) repaid, or (b) forgiven.

**We're here to help. Call the City Clerk's Office or the FPPC for assistance.**  
City Clerk - (619) 533-4025      FPPC - (916) 322-5660