

**CITY OF SAN DIEGO
ETHICS COMMISSION**

Office of the Executive Director

MEMORANDUM

DATE: February 14, 2008
TO: Chair and Members of the San Diego Ethics Commission
FROM: Stacey Fulhorst, Executive Director
SUBJECT: Proposed Amendments to the Ethics Ordinance

The Ethics Ordinance includes a provision concerning “future employment” that prohibits City Officials from participating in a decision that involves the interests of a prospective employer. SDMC § 27.3551. Unlike the other provisions in the Ethics Ordinance that address disclosure of income, conflicts of interest, and post-employment restrictions, this provision does not include an exemption for public agencies. As a result, the ordinance could be interpreted to prohibit a Council staffer from participating in any decisions involving, for example, the interests of the County of San Diego if the staffer were pursuing a job with the County. It is relevant to note that the provision concerning future employment is based on a similar provision in state law, which includes an exemption for prospective employment with a state, local, and federal government agency. FPPC Regulation 18747.

The Ethics Commission considered this issue at its meeting on February 10, 2005, and concluded that the Ethics Commission originally intended to include an exemption for public agencies when the ordinance was first introduced and adopted in 2002. As a result, the Ethics Commission determined that, until the ordinance was amended to include a public agency exemption, it was appropriate to interpret the ordinance for both advisory and enforcement purposes as not applicable to prospective employment with another public agency.

Although the Commission staff planned to bring forth this proposed amendment the next time the Commission considered updates to the Ethics Ordinance, it was recently brought to our attention that this issue should be addressed in the near future to enable the Commission staff to provide reliable advice to the dozens and potentially hundreds of City Officials who may be looking for jobs with other government agencies after the upcoming City elections. As a result, we have drafted the attached amendment for your review and approval.

Stacey Fulhorst
Executive Director

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Attachment