



**Agenda for Meeting of
Thursday, September 8, 2022
5:00 p.m.**

For additional information, contact the
Ethics Commission at (619) 533-3476

**COVID- 19 PUBLIC SERVICE ANNOUNCEMENT REGARDING MEETING ACCESS
AND PUBLIC COMMENT:**

Until further notice, Ethics Commission meetings will be conducted pursuant to the provisions of [California Executive Order 29-20](#), which suspends certain requirements of the Ralph M. Brown Act. During the current State of Emergency and in the interest of public health and safety, all Ethics Commission meetings will take place via videoconference. All Ethics Commissioners and members of Commission staff will participate in Commission meetings via videoconference.

Members of the public who wish to listen to and/or participate in the meeting on September 8, 2022, may do so online at <https://sandiego.zoomgov.com/j/1617231614> or by calling +1 669 254 5252 and entering webinar ID 1617231614.

When the Commission Chair has introduced the item on which you would like to comment, you will be asked to introduce yourself and provide your comments. Each speaker will have three minutes to speak.

If you wish to submit written materials, please do so by sending an email to ethicscommission@sandiego.gov no later than close of business on Wednesday, September 7, 2022. Materials submitted via e-mail by this deadline will be distributed to the Ethics Commissioners before the meeting.

REGULAR MEETING

Item 1: Call to Order.

Item 2: Roll Call.

Item 3: Proclaiming Continued Need for Virtual Monthly Meetings of the Ethics Commission During COVID-19 Emergency.

This item will consider findings to seek a declaration from the Ethics Commission that its meetings will continue to be conducted remotely during the continuation of the COVID-19 pandemic, in compliance with California Government Code section 54953(e), added by Assembly Bill 361.

► View back-up materials: [Staff Report](#); [Resolution 313770](#); [Resolution 314237](#); [COVID-19 in SD County](#); [Ethics Commission Resolution No. 2022-01](#)

Item 4: Approval of Commission Minutes.

Approval of Commission Minutes of July 14, 2022.

► View back-up materials: [Minutes](#)

Item 5: Non-Agenda Public Comment.

Item 6: Commissioner Comment.

This portion of the agenda provides an opportunity for Commissioners to make announcements or comments.

Item 7: Executive Director Comment.

This portion of the agenda provides an opportunity for the Executive Director to make announcements or comments.

Item 8: General Counsel Comment.

This portion of the agenda provides an opportunity for the Commission's General Counsel to make announcements or comments.

Item 9: Informational Item

Presentation by City's Compliance Department Regarding Audit Recommendation to Add City's Classified Employees to the Ethics Commission's Jurisdiction

The City's Compliance Department will provide an overview of a City audit and Audit Committee recommendation to expand the Ethics Commission's jurisdiction to include the City's classified employees. This is an informational item for the Commission's discussion and potential consideration at future meetings.

Item 10: Adjourn to Closed Session.

Adjournment to Closed Session to discuss the items listed in the Closed Session portion of the Agenda. Reportable actions for the closed session items on the agenda will be posted on the Commission's website at <https://www.sandiego.gov/ethics/meetings/2022meetings> by the close of business on Friday, September 9, 2022.

CLOSED SESSION

Item 1: Conference with Legal Counsel

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(d)(4) **(1 potential matter: Case No. 2022-15)**.

The Ethics Commission may meet in closed session to consider initiating a formal investigation against a person or persons who are alleged to have violated local ethics laws. Should an investigation be authorized, the identity of the person or persons being investigated will be available upon request only if and after a Draft Administrative Complaint is issued. The nature and details of the allegations will be available upon request only if and after a Final Administrative Complaint is issued.

Item 2: Conference with Legal Counsel

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(d)(4) **(1 potential matter: Case No. 2022-08)**.

(Note: This item was continued from the Ethics Commission Closed Session meeting of July 14, 2022 due to lack of a quorum.)

The Ethics Commission may meet in closed session to consider initiating a formal investigation against a person or persons who are alleged to have violated local ethics laws. Should an investigation be authorized, the identity of the person or persons being investigated will be available upon request only if and after a Draft Administrative Complaint is issued. The nature and details of the allegations will be available upon request only if and after a Final Administrative Complaint is issued.

Item 3: Conference with Legal Counsel

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(d)(4). **(Case No. 2021-11)**.

The Ethics Commission may meet in closed session to consider the settlement, dismissal, status of an investigation, or the issuance of a subpoena or Draft Administrative Complaint, and/or the approval of an Ethics Commission Final Audit Report, related to material findings of a violation of local ethics laws made in the Final Audit Report. Should the issuance of a Draft Administrative Complaint be authorized, the identity of the Respondent or Respondents will be available after a Draft Administrative Complaint is issued and the matter is noticed for discussion as pending litigation. The nature and details of the allegations will be available upon request only if and after a Final Administrative Complaint is issued.

Item 4: Conference with Labor Negotiator

Government Code section 54957
Agency representatives: Chair Sanchez, Past Chair Baber
Unrepresented employee: Executive Director

Item 5: Public Employee Annual Review

Government Code section 54957
Title: Executive Director

INTERNET ACCESS TO COMMISSION AGENDA: The Internet address is:
<http://www.sandiego.gov/ethics>.

ACCESS FOR PEOPLE WITH DISABILITIES: As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Ethics Commission at (619) 533-3476 or ethicscommission@sandiego.gov.

COMMENT ON NON-AGENDA ITEMS: This portion of the agenda provides an opportunity for members of the public to address the Commission on items of interest within the jurisdiction of the Commission. Comments are limited to no more than three minutes per speaker. Submit requests to speak to the Commission **prior** to the start of the meeting. Pursuant to the Ralph M. Brown Act, the Commission on any issue brought forth under "Non-Agenda Comment" shall take no discussion or action, other than a referral.