



**Agenda for the Meeting of
Thursday, March 14, 2024
5:00 p.m.**

In-Person Meeting

**Second Floor Conference Room
451 A Street, San Diego, California 92101**

To access the meeting, enter the building from the main entrance in the courtyard behind 450 B Street, San Diego, California 92101. Let the security guard know you are there for the meeting, and they will swipe their badge in the elevator to grant you access to the second floor. For additional information, contact the Ethics Commission at (619) 533-3476.

REGULAR MEETING

Item 1: Call to Order.

Item 2: Roll Call.

Item 3: Approval of Commission Minutes.

Approval of Commission Minutes of Meeting of February 8, 2024.

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

Item 4: Non-Agenda Public Comment.

Item 5: Commissioner Comment.

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

Item 6: Executive Director Comment.

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

Item 7: General Counsel Comment.

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

Item 8: Presentation by the City Attorney of an Ethics Reform Proposal to Amend Laws Governing the Ethics Commission in the Municipal Code and Charter.

This item has been placed on the agenda at the City Attorney's request for discussion and possible action. The item may return to the Commission for specific action at future meetings.

The City Attorney will present a proposed ethics reform package, which she has requested to present to the City Council's Rules Committee. (For background, see City Attorney Memorandum MS-2023-8, dated September 20, 2023.) The proposals would update certain of the Commission's procedural and enforcement laws by amending the San Diego Municipal Code (Article 6, Division 4: Ethics Commission), and the City Charter (including section 41(d), Ethics Commission). Charter amendments require voter approval.

Municipal Code section 26.0414(f) empowers the Commission "To perform ongoing review of the City's existing *Governmental Ethics Laws* and the *Commission's* enforcement procedures, and to propose updates of those laws to the City Council for approval." The proposals are thus being brought to the Commission for discussion.

► View back-up materials: (1) [Strikeout ordinance, RC-2024-2](#); (2) [City Attorney's memorandum from last year discussing ethics reform, previously sent to the board, MS-2023-8](#); (3) [Memo from City Attorney to Council President regarding Rules agendas](#)

Item 9: Presentation of Final Audit Report Regarding the *Yes on C! For a Better San Diego – Sponsored by the San Diego Regional Chamber of Commerce, San Diego & Imperial Counties Labor Council, ALF-CIO and Manchester Grand Hyatt San Diego Committee.*

Discussion and possible action regarding the Final Audit Report presented by staff concerning the audit of the *Yes on C! For a Better San Diego – Sponsored by the San Diego Regional Chamber of Commerce, San Diego & Imperial Counties Labor Council, ALF-CIO and Manchester Grand Hyatt San Diego Committee.*

► View back-up materials: [Final Audit Report](#)

Item 10: Informational Item – Training Presentation Regarding the Ethics Commission’s Investigative Program and Procedures.

The Executive Director and Investigative Program Manager will present a training session on the Ethics Commission’s Investigative Program, focused on governing law and procedures regarding complaints.

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

Item 11: Ethics Commission Leadership Succession Plan

Discussion and possible action regarding the upcoming recruitment of the Commission’s next Executive Director and leadership succession plan during the next fiscal year.

Item 12: Announcement of Closed Session Items / Adjourn to Closed Session.

Items to be discussed in Closed Session are listed in the Closed Session portion of the Agenda. The Commission will hear any public comment on these items before it recesses the open session meeting to convene in Closed Session.

The Commission will reconvene into open session following the conclusion of Closed Session to report any action taken. A record of actions taken in Closed Session will also be posted on the Commission’s website on Friday, March 15, 2024.

CLOSED SESSION

Item 1: Conference with Legal Counsel

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(d)(4). **(Case No. 2023-19)**

(Continued from meeting of February 8, 2024 due to lack of a quorum.)

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. 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 2: Conference with Legal Counsel

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(d)(4). **(Related Case/Stipulation: Case No. 2020-38)**

The Ethics Commission may meet in closed session to consider the settlement, dismissal, status of an investigation, acceptance of a Final Audit Report, or the issuance of a subpoena or Draft Administrative Complaint against a person or persons for whom material findings of a violation of local ethics laws have been made in an Ethics Commission Final Audit Report. 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. 2024-01)**

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. 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 Legal Counsel

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(d)(4). **(Case No. 2023-34)**

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. 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 5: Conference with Legal Counsel

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(d)(4). **(1 Potential Matter: Case No. 2024-04)**

The Ethics Commission may meet in closed session to consider initiating a formal investigation, determining whether to pursue administrative remedies, or issuing a Draft Administrative Complaint against a person or persons alleged to have violated the City's governmental 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.

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

REQUESTS FOR ACCESSIBILITY MODIFICATIONS OR ACCOMMODATIONS

As required by the Americans with Disabilities Act, requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations that may be required to facilitate meeting participation, may be made by contacting the Ethics Commission. Please call (619) 533-3476 or email ethicscommission@sandiego.gov. This may include requests seeking alternatives to observing meetings and offering public comment as noted above. Requests for translation services or auxiliary aids may require different lead times, which may range from five business days to two weeks. Please contact the Ethics Commission as soon as possible to ensure availability. The Ethics Commission is committed to addressing requests promptly to maximize accessibility and public participation.

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 shall take no discussion or action, other than a referral, on any issue brought forth under "Non-Agenda Comment."

COMMENT ON AGENDA ITEMS: 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. The Commission will take public comment on Closed Session items, if any, before adjourning to that meeting.

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, March 13, 2024. Materials submitted via e-mail by this deadline will be distributed to the Ethics Commissioners before the meeting.