



**Agenda for the Meeting of
Thursday, November 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 Meetings of September 12, 2024 and October 10, 2024.

► View back-up materials: [Minutes for 9/12/2024](#); [Minutes for 10/10/2024](#)

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: Executive Director Position – Consideration of Appointment of Next Executive Director and Salary Amount

Discussion and possible action regarding the appointment of the next Executive Director of the Ethics Commission and, if an appointment is made, discussion and possible action to set a salary for the appointee.

City Charter section 41(d) provides that the Commission's appointed board selects and appoints the Commission's Executive Director, subject to Council confirmation. The Executive Director serves as the Department Director, responsible for managing staff and all Commission programs.

The Commission must set a salary for the position within the range provided by the City's Human Resources Department in the job posting brochure: \$227,000 to \$241,520. This range is within that set for Managerial C positions in the City's Salary Ordinance.

If appointed and confirmed, the next Executive Director would first serve in a limited position for training beginning in January 2025. The appointee would assume the Executive Director position upon the current director's retirement in late March 2025.

► View back-up materials: [Brochure](#); [Staff Report](#); [CPS HR](#); [Candidate Packet](#)

Item 9: Informational Item: Code of Conduct for City Boards & Commissions

The Executive Director will provide an informational report on the Code of Conduct that the City Council has approved to govern the City's boards and commissions. The new Code of Conduct will apply to the Ethics Commission board, with the exception of those portions in which the Commission is specifically excluded.

► View back-up materials: [OBC Code of Conduct](#); [Resolution](#); [Acknowledgement](#)

Item 10: Informational Item: Updates to the San Diego Municipal Code Related to Measure D

On November 5, 2024, San Diego voters approved Measure D, a Charter amendment package that will change the Commission's governing laws. The Executive Director will provide an informational update and potential timeline for Municipal Code amendments to align the code with the Charter.

► View back-up materials: [Ballot Measure D Materials](#); [Ordinance Number O-21842](#)

Item 11: 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, November 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. 2024-05)**

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). **(1 potential matter - Case No. 2024-22)**

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 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). **(1 potential matter - Case No. 2024-27)**

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 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 4: Conference with Legal Counsel

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(d)(4). **(1 potential matter - Case No. 2024-30)**

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 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 5: Conference with Legal Counsel

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(d)(4). **(1 potential matter - Case No. 2024-32)**

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 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 6: Conference with Legal Counsel

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(d)(4). **(Case No. 2022-25)**

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.

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