



## FACT SHEET ON JOINING A CITY BOARD OR COMMISSION

The City's volunteer board and commission members provide an invaluable service to the City of San Diego. Because such individuals obtain influence and authority in their capacity as city officials, however, it is important to ensure that their official actions do not benefit their personal financial interests. For this reason, the City's Ethics Ordinance includes conflict of interest laws that are applicable to members of most of the City's boards and commissions. Prospective members of a City board or commission should be aware that these laws require the disclosure of certain types of personal financial information and impose a number of prohibitions and restrictions. This fact sheet is designed to offer general guidance regarding these laws. It should not, however, be considered a substitute for the actual language contained in the ethics ordinance.

- ❖ Members of some boards and commissions are subject to the Ethics Ordinance because they are "high level filers." This term includes members of the Planning Commission, Funds Commission, Retirement Board, and the Defined Contribution Plan Board.
- ❖ Members of most other City boards and commissions are subject to the Ethics Ordinance because the City Council has adopted a conflict of interest code for them. These entities make final governmental decisions or substantive recommendations. A list of the boards with conflict of interest codes can be found on the City Clerk's website at: <http://www.sandiego.gov/city-clerk/elections/eid/codes.shtml#boards>.
- ❖ Some boards are considered "solely advisory" and are exempt from the Ethics Ordinance. This fact sheet does not apply to such boards. Note that boards with the term "advisory" in their name aren't necessarily exempt from the Ethics Ordinance; such boards may still have some decision-making authority. Check the list of conflict codes on the City Clerk's website – if a conflict code has been created for a board, it is not "solely advisory," and the provisions of this fact sheet are applicable.

### DISCLOSURE REQUIREMENTS

- ❖ Board and commission members must disclose their economic interests on a form prepared by the State's Fair Political Practices Commission. It is known as a Form 700 or a statement of economic Interests, and it is filed with the City Clerk's office.
- ❖ The purpose of these disclosure requirements is to provide the public with relevant information about city officials to ensure that they are not using their City positions to promote or enhance their own financial interests.
- ❖ The type of information disclosed on a Form 700 is determined either by state law (for the high level filers) or by the conflict of interest code adopted for a particular board or commission. You can find your board or commission's conflict code on the City Clerk's website.
- ❖ Board and commission members must file an "assuming office" Form 700 within 30 days of taking office, an "annual" Form 700 on or before April 1 of each year, and a "leaving office" Form 700 within 30 days of leaving the board or commission.

- ❖ Depending on the scope of disclosure applicable to your board or commission (as set forth in the conflict code), you may have to disclose the following information on a Form 700:
  - ✓ Your investments (for example, stocks, bonds, excluding those in a mutual fund);
  - ✓ Any business you own (this includes partial ownership), and the names of people (for example, clients, customers) who have paid \$10,000 or more to the business;
  - ✓ Real property you own (excluding your personal residence), and income from renters;
  - ✓ People and entities that have provided you with income (\$500 or more) or gifts (\$50 or more); and,
  - ✓ The above information, but with regard to your spouse (which includes a registered domestic partner) and dependent children.
- ❖ For more information regarding the disclosure requirements for board and commission members, please refer to the ethics commission's fact sheet on disclosing economic interests.

## **RESTRICTIONS AND PROHIBITIONS**

- ❖ The Ethics Ordinance prohibits members of City boards and commissions from accepting gifts (for example, meals, tickets to events) valued at \$590 or more from the same reportable source (that is., a source identified on the conflict of interest code for your agency) within a single calendar year. For more information, including the applicable exceptions to this rule, please refer to the ethics commission's fact sheet on gifts to city officials.
- ❖ Members of City boards and commissions may not:
  - ✓ participate in City decisions that might affect (even indirectly) their financial interests, such as companies in which they own stock, or companies/clients from whom they have received income (see the ethics commission's disqualification fact sheets for more information);
  - ✓ participate in City matters that involve the interests of a person or entity with whom they are seeking or negotiating future employment;
  - ✓ use their City position or authority to induce anyone to provide them with something of value; or,
  - ✓ solicit campaign contributions from City employees.
- ❖ You may not participate in any matter before your board or commission that involves someone who has paid you \$500 or more within the previous twelve months. In other words, if you represent a client who has a matter pending before your board or commission, you will have to recuse yourself from participating in all discussions and votes regarding that matter. In addition, you may not assist that client with reports, appearances, or presentations related to the matter, nor may you have any communications with City staff members concerning the matter. For more information on this prohibition, please consult the ethics commission's fact sheet on representing clients before your board.

Note that board and commission members subject to the above rules are required to obtain ethics training from the ethics commission upon assuming office, and every two years thereafter. Such members will be contacted by the commission as their training deadline approaches.

If you have any questions concerning your obligations as a board or commission member under the City's Ethics Ordinance, please contact the ethics commission at (619) 533-3476.