



OFFICE OF THE CITY CLERK

REPORT

To The Honorable Mayor And City Council

DATE: FEBRUARY 16, 1995

REPORT NO. 95-03

SUBJECT: ETHICS AND ENFORCEMENT ISSUES

THIS IS AN INFORMATION REPORT ONLY. NO ACTION IS REQUIRED.

In light of the growing public concern about ethics in government, and our mutual concern about ethics and enforcement issues, I would like to share with you some of my staff's ongoing activities in this area.

As you are aware, the City Clerk is the filing officer for Statements of Economic Interest, Campaign Disclosure reports, and Municipal Advocacy reports pursuant to the state Political Reform Act and the San Diego Municipal Code. As such, the Clerk's duties include notifying filers of the filing deadlines for these statements, determining whether the required documents have been filed and whether they conform on their face with the requirements of state and local law, and reporting apparent violations to the appropriate enforcement authority.

Statements of Economic Interest

During 1994, my office administered the filing of nearly 1500 Statements of Economic Interest. Of these, approximately 1300 were annual statements, 90 were assuming office statements and 105 were leaving office statements.

Following the filing deadlines for these statements, 191 people were notified that they had failed to file timely Statements of Economic Interest. Seventy percent (70%) of those who received these letters filed their statements by the second deadline. Most of the remaining non-filers were members of advisory boards not covered by state law, and were not contacted again because of (a) the lack of penalties available for enforcement, and (b) pending Council action regarding conflict of interest codes for these "solely advisory" boards.

During 1994, because of the lack of penalties for advisory board members who failed to file required Statements of Economic Interest, my staff initiated a review of the requirement that certain "solely advisory" boards have conflict of interest codes. The resulting changes were recently approved by the City Council and will result in specific disclosure requirements for boards that deal with land use items as well as penalties for late and non-filers. As an outcome of this process, the Clerk will ask the Council to remove board members who fail to file required statements in the future.

Additionally, certain "solely advisory" boards will no longer be required to have conflict of interest codes.

In 1994 the Clerk's office and the City Attorney's office coordinated the biennial update of all conflict of interest codes for City departments, agencies, boards and commissions. Our offices provided training and consultation, and coordinated the timely adoption of these codes.

All 1500 Statements of Economic Interest filed in the Clerk's office during 1994 were reviewed for "prima facie" compliance with the law. Additionally, 20 % of all annual statements, or a total of 265 of the statements filed by employees and board and commission members, were subjected to a full review. Seventy-two (72) deficiency letters were sent out as a result of our full and prima facie reviews.

During 1994 we referred five (5) non-filers to the Fair Political Practices Commission (FPPC). Three of those referred filed their statements immediately upon or shortly after our referral. We also issued a total of 11 fines for late filing, for a total of \$905 in fines. These fines ranged from \$25 to \$100, based on state law and the late-filing guidelines of the Clerk's Office.

Campaign Disclosure Statements

During 1994, the Clerk's office was the filing office for 58 campaign committees. After the filing deadlines for campaign statements, 24 follow-up letters were sent to candidates and committees regarding missed deadlines. All but one subsequently filed the required statement.

The 58 committees filed a total of 104 campaign disclosure statements with our office during 1994. All 104 statements were reviewed for "prima facie" compliance with the law. As a result of this review, 22 deficiency notices were sent to campaign committees, requesting amendments because information was incomplete. Response to two of these is pending. All others have filed the amendments as requested.

Seven candidates were referred to the FPPC during 1994, for late filing or failure to file the required statements. Of these, three were referred twice. In all but one case, the candidates subsequently filed the statements.

One candidate was referred to the FPPC during 1994 because of campaign irregularities, and seven campaign committees were fined for late filing during 1994 for a total of \$1,617 in fines. These fines ranged from \$70 to \$600.

Municipal Advocacy

Each quarter, the Clerk's office sends notices to all registered municipal advocates reminding them of the filing deadline. The information filed is then compiled and forwarded to the Mayor and Council. In 1994 there were 78 registered advocates.

Because of ongoing concerns about the efficacy of the Municipal Advocacy Ordinance, during the last quarter of 1994, the Clerk's office initiated a review of the lobbying ordinances of five other cities in order to identify possible changes and additions to the San Diego ordinance. This information was presented to the Rules Committee in early February. In the next several months the Clerk will work with the City Attorney's office to develop and recommend amendments to the ordinance.

Conclusion

In summary, the Clerk's office has a major role--and takes a pro-active stance--in the review and enforcement of campaign disclosure statements, statements of economic interest, and municipal advocacy reports. I thought you would be interested in this information because of your ongoing concern about ethics and enforcement in San Diego. Should you have any questions, please do not hesitate to call.

Sincerely,



Charles G. Abdelnour
City Clerk

cc: City Attorney
City Manager