

ORDINANCE NUMBER O- **19737** (NEW SERIES)

DATE OF FINAL PASSAGE **APR 23 2008**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 2, ARTICLE 7, DIVISION 35 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 27.3551, RELATING TO THE CITY OF SAN DIEGO ETHICS ORDINANCE.

WHEREAS, the San Diego Ethics Ordinance, codified at Chapter 2, Article 7, Division 35 of the San Diego Municipal Code, was first adopted on April 29, 2002, by Ordinance No. O-19055 N.S.; and

WHEREAS, pursuant to San Diego Municipal Code section 26.0414, the City of San Diego Ethics Commission has the responsibility of regularly reviewing the Ethics Ordinance and proposing updates to the City Council for its approval; and

WHEREAS, the Ethics Ordinance, at section 27.3551, contains provisions prohibiting City Officials from participating in municipal decisions that involve the interests of entities or persons with whom such City Officials are seeking future employment; and

WHEREAS, other provisions in the Ethics Ordinance such as disclosures of income, conflicts of interest, and post-employment restrictions, provide an exemption for public agencies; and

WHEREAS, the Ethics Commission believes that there is no public interest served by applying the prohibitions of section 27.3551 to a City Official's prospective future employment with another public agency, and has therefore recommended amending the Ethics Ordinance to expressly exclude public agencies from the scope of the prohibitions in section 27.3551; and

WHEREAS, the City Council concurs with the proposal recommended by the Ethics Commission; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 2, Article 7, Division 35 of the San Diego Municipal Code is hereby amended by amending section 27.3551 to read as follows:

§27.3551 Future Employment of City Officials

- (a) It is unlawful for any *City Official* to make, participate in making, or use his or her official position to influence a decision involving the interests of a *person* with whom he or she is seeking, negotiating, or securing an agreement concerning future employment.
- (b) It is unlawful for any *person* who has a matter pending before the *City* to negotiate, directly or indirectly, knowingly or willfully, the possibility of future employment of a *City Official* who is making, participating in making, or using his or her official position to influence, a decision concerning that matter.
- (c) The prohibitions set forth in subsections (a) and (b) do not apply to a *City Official's* prospective employment with a *public agency*.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Catherine M. Bradley
Catherine M. Bradley
Chief Deputy City Attorney

CMB:als
03/04/08
Or.Dept:Ethics Comm.
O-2008-121

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 15 2008.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 4-23-08
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor