



**Agenda for the Meeting of
Thursday, August 8, 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 June 13, 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: Amending the San Diego Municipal Code to Increase Ethics Commission Fines

This item is noticed for discussion and possible action.

The Executive Director will present draft language to amend the San Diego Municipal Code to increase the amount of the maximum fine per count that the Ethics Commission may impose in an enforcement matter. Among other amendments, the language would increase the maximum fine per count from \$5,000 to \$15,000. This would be the same amount, with the proposal to use the same language, as that now proposed for the Los Angeles Ethics Commission. Amendments would also allow for other options for further increased fines, depending on the facts of a given case.

Amendments to the San Diego Municipal Code regarding fines were also introduced by the City Attorney in her Ethics Reform package in March 2024.

► View back-up materials: (1) [Draft Strikeout Ordinance](#); (2) [Staff Memo re EC Fines](#); (3) [Staff Report dated April 3, 2024](#)

Item 9: Informational Item – Legal and Procedural Training for Ethics Commission

The Commission's General Counsel and Executive Director will present training regarding laws and policies applicable to the Commission board. This presentation may include discussion of applicable open meeting laws, due process considerations, the distinction between board and staff responsibilities, and the hierarchy of laws governing the City of San Diego.

Item 10: Informational Item – Presentation of Annual Summary of Lobbying Activity in the City of San Diego for 2023.

The Executive Director will present the Ethics Commission's Annual Summary of Lobbying Activity in the City of San Diego for 2023.

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

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, August 9, 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. 2024-08**)

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). (**Case No. 2024-12**)

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 3: Conference with Legal Counsel

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(d)(4). (**Case Nos. 2024-06 and 2024-07**)

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. 2023-09)**

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. 2024-14)**

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, August 7, 2024. Materials submitted via e-mail by this deadline will be distributed to the Ethics Commissioners before the meeting.