

Measure D - Impartial Analysis, Ballot Title, and Summary

BALLOT TITLE

Amendments to the San Diego Charter to Strengthen the Independence of the Ethics Commission.

BALLOT SUMMARY

This measure would amend the San Diego Charter (Charter) by removing the Ethics Commission (Commission) from Charter section 41 and placing those provisions in a new Charter section dedicated solely to the Commission.

If approved by voters, new Charter section 41.3 would describe the Commission and its responsibilities and those of the Commission's Executive Director. Only voters could eliminate the Commission or diminish its authority or responsibilities. The new section would establish the number of Commission members (Commissioners), their qualifications, and their length of service. Commissioners would hire their own Executive Director and establish their own complaint and investigation procedures without City Council confirmation. The City Council would be required to provide the Commission with sufficient resources to perform its responsibilities. The Executive Director could refer evidence of possible unlawful conduct to law enforcement at any time.

The ballot measure was proposed by City Attorney Mara W. Elliott during the process in which proposals are submitted for consideration by a City Council standing committee and then the full City Council. The City Council voted to place it on the ballot.

If approved by a majority of those qualified to vote on the measure, the Charter amendments would become effective after they are chaptered by the California Secretary of State.

CITY ATTORNEY'S IMPARTIAL ANALYSIS

The San Diego City Council (City Council) adopted San Diego Ordinance O-18945 (June 5, 2001) establishing the Ethics Commission (Commission). The Commission is charged with investigating and enforcing City governmental ethics laws involving current and former elected City officials, candidates for City office, certain City employees, consultants, lobbyists, and members of City boards and commissions who are required to file conflict of interest disclosure forms.

Currently, the Mayor appoints all seven Commission members from a pool of nominees submitted by members of the City Council and the City Attorney, who are then subject to confirmation by a City Council majority. The City Council confirms the appointment of the Commission's Executive Director; approves the Commission's complaint and investigation procedures; and controls the Commission's budget.

If the proposed Charter amendments are approved, only City voters would disband the Commission. The amendments would establish the number of Commission members (Commissioners), their qualifications, and their length of service, and the City Council would update the San Diego Municipal Code to establish a process to appoint Commissioners. The amendments would authorize the Commission to hire its own Executive Director and establish its own complaint and investigation procedures without City Council confirmation. The amendments would also empower the Executive Director to initiate investigations and complaints, compel witness attendance, testimony, and records production, and to report evidence of possible unlawful conduct to other government or law enforcement agencies during an investigation. The City Council would be required to allocate sufficient funds for the Commission to carry out its responsibilities and to retain legal counsel.

A “Yes” vote is a vote in favor of amending the Charter relating to the Ethics Commission. A “No” vote is a vote against the amendments.

If approved by a majority of the qualified voters voting in favor of the measure, the Charter amendments would become effective after they are chaptered by the California Secretary of State.