

## **Ethics Commissions in California Cities**

**Prepared by Emily Pears, California Common Cause February 12, 2009**

### **Summary:**

Below are brief summary descriptions of the prominent ethics commissions in California cities. Commissions range from 5 to 7 members, and often have provisions that ensure a diversity of policy backgrounds among commissioners. The Ethics Commissions generally oversee development, review and enforcement of ethics, lobbying, campaign finance and disclosure laws. Some also approve or suggest salary increases for the City Council. The Ethics Commission's means of enforcing the laws they oversee generally lies in their ability to conduct audits and investigations, issue subpoenas, levy fines and impose penalties. They may also issue opinions regarding the laws and ordinances they cover, and develop manuals and conduct educational outreach.

Generally, ethics commissions are most active and powerful in cities with strict or complicated lobbying or campaign disclosure laws and limits. In these areas, the Ethics Commission is responsible for reviewing and auditing a broad array of regularly filed materials, and their ability to issue fines and penalties for violations is exercised more frequently.

It should be noted that Fresno does not have an ethics commission. The city of San Jose currently has an election commission that oversees compliance with campaign disclosure laws. Voters in the city of Long Beach defeated a proposition in 2007, Proposition B, that would have established a code of ethics and a city ethics commission.

### **San Francisco**

**Website:** [http://www.sfgov.org/site/ethics\\_index.asp](http://www.sfgov.org/site/ethics_index.asp)

#### ***Commission Make-up***

San Francisco Ethics Commission consists of 5 members. The mayor, the board of supervisors, the city attorney, the district attorney and the assessor each appoint one member to the board. The appointments are meant to reflect expertise in the area of the appointer's office. Each commissioner serves one, six year term.

#### ***Commission Mission Statement***

"The Mission of the Ethics Commission is to practice and promote the highest standards of ethical behavior in government and to promote a work environment that values health, wellness and diversity. In order to accomplish the Mission of the San Francisco Ethics Commission, the Commission shall: 1) clearly inform candidates for public office, public employees, and other officials and members of the public of existing ethics laws and rules 2) actively enforce all ethics laws and rules, including campaign finance and open government laws 3) recommend new laws, rules, and programs that will lead to ethics compliance 4) serve as a model for other elected and appointed officials and government employees 5) faithfully adhere to its own Code of Ethics."<sup>1</sup>

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<sup>1</sup> Article II, *San Francisco Ethics Commission Bylaws*:  
[http://www.sfgov.org/site/uploadedfiles/ethics/about/ethics\\_bylaws.pdf](http://www.sfgov.org/site/uploadedfiles/ethics/about/ethics_bylaws.pdf)

### ***Commission Purview<sup>2</sup>***

The Commission is instructed to oversee enforcement of laws relate to campaign finance, lobbying, conflicts of interest, open meeting and public records laws, and governmental ethics.

### ***Means of Enforcement***

The commission is empowered to:

- 1) Issue opinions regarding ethics in city laws and adopt, rescind and amend rules and regulations in the outlined areas of their purview.
- 2) Conduct audits, investigations and enforcement proceedings on matters relating to their areas of interest, operate the whistle blower hotline administer the provisions of the city's improper government activities ordinance; and, in connection with these duties, subpoena witnesses and records.
- 3) Develop educational programs to inform citizens of the city's ethics laws.
- 4) Prepare and publish manuals and instructions setting forth methods of bookkeeping and preservation of records in the areas of their purview.

## **Oakland**

**Website:** [http://www.oaklandnet.com/government/public\\_ethics/webpage.html](http://www.oaklandnet.com/government/public_ethics/webpage.html)

### ***Commission Make-up***

The Commission consists of seven members. Three members are nominated by the mayor and confirmed by the city council, and four members selected by the Commission as a whole. Each commissioner served one three-year term.

### ***Commission Mission Statement***

**MISSION:** To Promote the Highest Confidence in the Ethics of the Government of the City of Oakland. In order to fulfill this mission, the Public Ethics Commission shall: 1. Encourage full participation in government by heightening awareness of the rights of the public to information about their city government; 2. Facilitate access to such information and meetings of public bodies in the City of Oakland; 3. Help ensure that city officials, employees, boards and commissions, candidates and other persons understand their obligations with respect to state and local laws that are intended to assure fairness, openness, honesty and integrity in government; exercise independent oversight over compliance with applicable state and local laws; 4. Make recommendations to the City Council to improve the implementation of the applicable laws and promote ethics compliance; 5. Determine bi-annually whether adjustments to compensation for City Councilmembers are appropriate, subject to voter approval of any increases; and 6. By example, set the standard for ethical conduct.<sup>3</sup>

### ***Commission Purview***

The Commission is responsible for the oversight of compliance with the following acts: Oakland Campaign Reform Act, City of Oakland Code of Ethics, and the Oakland Sunshine Ordinance . The Commission is also charged with oversight, distribution of manuals, and education related to campaign financing, conflicts of interest, lobbying, the Public Records Act and ethics laws. The Commission is also responsible for determining bi-annually whether adjustments should be made to City Councilmember's salaries.

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<sup>2</sup> Article III, Section 8, *San Francisco Ethics Commission Bylaws*

<sup>3</sup> Article II, *Bylaws of the Public Ethics Commission*: [http://www.oaklandnet.com/government/public\\_ethics/bylaws.html](http://www.oaklandnet.com/government/public_ethics/bylaws.html).

### ***Means of Enforcement***

The Commission is entitled to issue oral advice and written opinions regarding conduct in any of the areas of their enforcement responsibility. They are also, in the course of their enforcement activities, entitled to hold public hearings, conduct audits, issue subpoenas, and impose penalties and fines.

### **Los Angeles**

**Website:** <http://ethics.lacity.org/>

### ***Commission Make-up***

The commission has five members, one each appointed by the Mayor, City Council President, City Council, President Pro Tem, City Attorney and Controller. Each commissioner serves a five year term.

### ***Commission Mission Statement***

“As an independent voice for more open and responsive City government, the Los Angeles City Ethics Commission acts through its voter-established mandate to preserve the public trust. Through meaningful public disclosure and effective education, the Commission is committed to supporting and equipping an informed citizenry. Dedicated to upholding the public interest, the Commission shapes, administers and enforces City ethics, campaign finance and lobbying laws that ensure Los Angeles elections and government decision making are fair, transparent and accountable.”

### ***Commission Purview***

The Los Angeles City Ethics Commission is charged with administering and implementing the city’s government ethics, campaign finance and lobbying laws. The Commission issues advice regarding campaign finance and lobbying laws, operates the whistleblower hotline and administers filing systems and rules for campaign finance and lobbyist reporting. The commission actively collects data and analyzes ongoing trends to aid in making recommendations on city ethics laws and propose legislation. The Commission issues opinions and guidelines regarding lobbying ordinances, full public financing programs, neighborhood and financial disclosure

### ***Means of Enforcement***

The City Ethics Commission's enforcement division investigates and brings enforcement actions against individuals and entities who violate the City's ethics, campaign finance or lobbying provisions. The Commission is empowered to inspect records, receive and investigate complaints, administer oaths, issue subpoenas, and levy fines for violations.

### **San Diego**

**Website:** <http://www.sandiego.gov/ethics/index.shtml>

### ***Commission Make-up***

The Commission is composed of seven members. At least one of the members must be a person who has been a candidate for elective governmental office or held a high level position in an election campaign, and at least two of the members must be attorneys in good standing with the California Bar Association. No more than three members may be registered with the same political party. Commissioners are nominated and confirmed by the City Council, and appointed by the Mayor. Commissioners serve four-year terms and are limited to two consecutive terms.

### ***Commission Mission Statement***

The purposes of the *Commission* shall be to monitor, administer, and enforce the City's governmental ethics laws, propose new governmental ethics law reforms, conduct investigations, refer violations to appropriate enforcement agencies, audit disclosure statements, and advise and educate City officials and the public about governmental ethics laws.

### ***Commission Purview***

The Commission is tasked with enforcing the city's "Governmental Ethics Laws" which are defined as: "local laws governing campaign contribution limits, campaign contribution disclosure, campaign expenditure disclosure, statements of economic interests, receipt and disclosure of gifts, conflicts of interest, lobbying registration and disclosure, and other matters proposed by the *Commission* and adopted by a majority of the City Council."<sup>4</sup> The Commission is authorized to provide training and education in these areas and to issue advice and opinions to any person regarding these laws.

### ***Means of Enforcement***

The Commission is empowered to conduct audits of campaign and lobby disclosure forms, to review and operate the cities ethics complaint mechanisms, and to investigate and enforce violations of the ethics laws. The Commission may also levy fines for violations.

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<sup>4</sup> San Diego Municipal Code: Chapter 2, Article 6, Division 4, Page 2:  
<http://docs.sandiego.gov/municode/MuniCodeChapter02/Ch02Art06Division04.pdf>