

Article 6: Board and Commissions

Division 1: General

§26.0101 Purpose and Intent

- (a) The City Council intends to implement California Government Code Sections 87300 through 87313 pertaining to conflict of interest codes for City boards and commissions.
- (b) The City Council also intends to implement penalties for boards and commission members who fail to file required statements of economic interest.
- (c) The City Council also intends to establish a system for maintaining records for boards and commissions.
- (d) The City Council intends to provide a process to regularly review the structure and actions of City boards and commissions.

*(“Purpose and Intent” added 2–13–1995 by O–18162 N.S.)
(Amended 9-22-2020 by O-21234 N.S.; effective 10-22-2020.)*

§26.0102 Official Records of Boards and Commissions

Official records of the Boards and Commissions of The City of San Diego may be maintained by the City Department responsible for staffing each Board and Commission unless otherwise provided by State law or the City Charter.

(Renumbered from Sec. 26.03 on 2–13–1995 by O–18162 N.S.)

§26.0103 Definitions

“Code Reviewing Body” means the entity authorized to carry out the duties described in California Government Code Section 87303.

(“Definitions” added 2–13–1995 by O–18162 N.S.)

§26.0104 The City Council As Code Reviewing Body for Conflict of Interest Codes

- (a) The City Council shall serve as the Code Reviewing Body under Government Code Section 87303 for review and adoption of conflict of interest codes for boards and commissions created by City Charter, ordinance, resolution, or formal action of the City Council.
- (b) Upon recommendation of the City Manager in consultation with the City Attorney and City Clerk, the City Council shall determine by resolution whether a particular board or commission is required by Government Code section 87100 and 2 California Code of Regulations 18700(a)(1) to have, and be subject to, a conflict of interest code.

(“The City Council As Code Reviewing Body for Conflict of Interest Codes” added 2–13–1995 by O-18162 N.S.)

§26.0105 Exception for Solely Advisory Boards and Commissions

- (a) The City Council finds that certain of the City’s boards and commissions are “solely advisory” within the meaning of Government Code section 87100, and are therefore not required by law to have conflict of interest codes.
- (b) Except as provided in Section 26.0106, for those boards and commissions not required by law to have conflict of interest codes, the City Council declares that citizens serving as volunteers on those boards and commissions shall not be required to complete and submit economic disclosure forms and shall not be required to disqualify themselves from deliberations or decision making for economic reasons.

(“Exception for Solely Advisory Boards and Commissions” added 2–13–1995 by O-18162 N.S.)

§26.0106 Members of Land Use Boards and Commissions

- (a) The City Council finds that unique and serious potential conflicts of interest arise by virtue of participation on City boards and commissions that deal with land use issues.
- (b) The City Council finds that it is in the City's best interest that conflict of interest codes be adopted for those boards and commissions. The conflict of interest code shall be the same as that adopted for boards and commissions required by state law to have them (see Section 26.0104), except that the sole scope of disclosure shall be as follows:

Investments, business positions, and sources of income of the type which engage in land development, construction, or the acquisition or sale of real property; or

Interests in real property located within the City, including real property located within a two-mile radius of any property owned or leased by the City. An interest in real property that is used as a personal residence is not required to be disclosed, unless the residence is also used for business purposes.

- (c) Members of these boards and commissions shall be subject to the disqualification provisions in their respective conflict of interest codes.

(“Members of Land Use Boards and Commissions” added 2-13-1995 by O-18162 N.S.)

§26.0107 Annual Reports by City Boards and Commissions

- (a) In the fourth quarter of each calendar year, each City board and commission created under the authority of Charter section 43(a) or the Municipal Code shall submit an annual report to the Office of Boards and Commissions. Reports shall include information regarding:
- (1) The mission and duties of the board or commission;
 - (2) Actions taken during the past year and ongoing projects;
 - (3) The number of meetings held, quorum or membership issues, number of vacant positions, and number of members serving beyond the expiration date of their terms;
 - (4) Demographics of the membership of the board or commission, collected through voluntary self-reporting by members, provided by the Office of Boards and Commissions and shared with the board or commission; and
 - (5) Any other information that may be required to be reported by the specific board or commission under governing law, including the Charter or Municipal Code.
- (b) The Office of Boards and Commissions shall submit the individual board and commission annual reports to the standing committee of the Council with jurisdiction over the subject matter of the board or commission, as provided in the Rules of the Council. Annual reports shall be placed on a regular agenda of the appropriate standing committee in the first quarter of the calendar year. Alternatively, if there is no appropriate standing committee, the annual report shall be placed on the agenda of the Rules Committee during the same time period.
- (c) The City shall post the annual report from each board or commission on the City website for public access.

(“Annual Reports by City Boards and Commissions” added 9-22-2020 by O-21234 N.S.; effective 10-22-2020.)

§26.0108 Council Review of City Boards and Commissions

- (a) The Council, or an appropriate standing committee of the Council, shall hold a meeting at least once every two years in February dedicated to reviewing the structure of the City's boards and commissions created under the authority of the Charter and Municipal Code. The Council or standing committee shall consider proposing potential changes, if any, to the structure of specific City boards and commissions, including:
- (1) Reorganizing or consolidating existing boards and commissions;
 - (2) Amending board or commission membership requirements;
 - (3) Sunsetting boards or commissions that are obsolete or redundant; and
 - (4) Proposing potential Charter amendments governing City boards and commissions, to be considered for submission to City voters on a future ballot.

The Council or standing committee shall consider the annual reports provided under section §26.0107 and recommendations from the Office of Boards and Commissions in the review process.

- (b) Proposals to create a new board or commission for approval by the Council, or, if legally required, by voters through a Charter amendment, shall include an analysis of:
- (1) The purpose and mission of the proposed new board or commission;
 - (2) Whether the proposed new board or commission could be incorporated into an existing board; and
 - (3) The potential fiscal and operational impact to the City of creating a new board or commission. If requested by the Council, the City Manager and all non-managerial officers of the City, or appropriate City department, shall provide such information to the Council in compliance with Charter section 32.1.

(“Council Review of City Boards and Commissions” added 9-22-2020 by O-21234 N.S.; effective 10-22-2020.)