



Meeting Agenda

Monday, April 27, 2026

5:30 PM

Regular Meeting

City Hall Complex, 915 I Street, Sacramento, CA 95814

Ethics Commission

Alan LoFaso, Chair
Nicole Velasquez, Vice Chair

Annette Emery
Michael Robert Kelly
Maikhou Thao

Open Session**Roll Call****Land Acknowledgement****Pledge of Allegiance****Consent Calendar****1. Approval of Ethics Commission Meeting Minutes**

File ID: 2026-00069

Location: Citywide**Recommendation:** Pass a **Motion** approving Ethics Commission Meeting Minutes dated March 23, 2026.**Contact:** Jacob Bredberg, Administrative Analyst, (916) 808-6846, jbredberg@cityofsacramento.org; Mindy Cuppy, City Clerk, (916) 808-5441, mcuppy@cityofsacramento.org; Office of the City Clerk**Attachments:** [2026-00069 STAFF REPORT](#)**2. Ethics Commission Complaint Log**

File ID: 2026-00244

Location: Citywide**Recommendation:** Pass a **Motion** approving the Ethics Commission Complaint Log.**Contact:** Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk**Attachments:** [2026-00244 STAFF REPORT](#)**3. Sacramento Ethics Commission Follow-Up Log**

File ID: 2026-00882

Location: Citywide**Recommendation:** Receive and file.**Contact:** Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk**Attachments:** [2026-00882 STAFF REPORT](#)

Discussion Calendar**4. City of Sacramento Ethics Community Outreach Program Update**

File ID: 2026-00883

Location: Citywide**Recommendation:** Provide updates on community outreach program activities.**Contact:** Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk**Attachments:** [2026-00883 STAFF REPORT](#)**5. History of the Fair Political Practices Commission Contract for Administration, Implementation, and Enforcement of Sacramento City Code Chapter 2.13 (Campaign Contribution Limits Code)**

File ID: 2026-00884

Location: Citywide**Recommendation:** Receive and file.**Contact:** Mindy Cuppy, MMC, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk**Attachments:** [2026-00884 STAFF REPORT](#)**Commissioner Comments-Ideas and Questions****Public Comments-Matters Not on the Agenda****Adjournment**

Where to Find the Agenda and Staff Reports: The agenda provides a general description and staff recommendation; however, legislative bodies may take action other than what is recommended. Full staff reports are available at <https://meetings.cityofsacramento.org>.

Watch the Legislative Body Meeting Online: Live video streams and archives of past meetings are available at <https://meetings.cityofsacramento.org>.

Submit Written Comments Online: Written comments received are distributed to members, filed in the record, and will not be read aloud. Members of the public are encouraged to submit public comments electronically via eComment through the City's Upcoming Meetings website at <https://meetings.cityofsacramento.org>.

Public Comment Speaker Time Limits: In the interest of facilitating the legislative body's conduct of the business of the City, members of the public (speakers) who wish to address the legislative body during the meeting will have two minutes per speaker for Consent Calendar Items, Public Hearing Items, Discussion Calendar Items, and Matters not on the Agenda for a maximum total of eight minutes per speaker per meeting. Each speaker shall limit his/her remarks to the specified time allotment.

Notice to Lobbyists: When addressing the legislative body, you must identify yourself as a lobbyist and announce the client/business/organization you are representing.

Assistance: In compliance with the Americans with Disabilities Act, if you need special assistance, a disability-related modification or accommodation, agenda materials in an alternative format, or auxiliary aids to participate in this meeting, please contact the Office of the City Clerk at 916-808 7200 or clerk@cityofsacramento.org as soon as possible. Providing at least 72 hours' notice will help ensure that reasonable arrangements can be made.

City of Sacramento
Ethics Commission Report
915 I Street Sacramento, CA 95814
www.cityofsacramento.org

File ID: 2026-00069

4/27/2026

Approval of Ethics Commission Meeting Minutes

File ID: 2026-00069

Location: Citywide

Recommendation: Pass a **Motion** approving Ethics Commission Meeting Minutes dated March 23, 2026.

Contact: Jacob Bredberg, Administrative Analyst, (916) 808-6846, jbredberg@cityofsacramento.org; Mindy Cuppy, City Clerk, (916) 808-5441, mcuppy@cityofsacramento.org; Office of the City Clerk

Presenter: None

Attachments:

1-Description/Analysis

2-March 23, 2026, Ethics Commission Draft Meeting Minutes

Description/Analysis

Issue Detail: It is best practice for the Ethics Commission to approve the minutes for each meeting.

Policy Considerations: The City Clerk keeps a permanent record of the Ethics Commission proceedings, showing all action considered and taken and the vote of each member on matters before the Commission.

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: After each Ethics Commission meeting, the City Clerk composes the DRAFT Minutes noting the action taken by the Commission. The attached DRAFT Minutes are presented to the Commission for its approval as a permanent record of the meeting actions.

Financial Considerations: None.

Local Business Enterprise (LBE): None.

DRAFT Minutes

Ethics Commission

City Hall Complex

915 I Street

Sacramento, CA 95814

Published by the Office of the City Clerk

(916) 808-7200

ETHICS COMMISSION

Alan LoFaso, Chair
Nicole Velasquez, Vice Chair
Annette Emery
Michael Robert Kelly
Maikhou Thao

COMMISSION STAFF

Mindy Cuppy, City Clerk
Gary Lindsey, Senior Deputy City Attorney

Monday, March 23, 2026

5:30 p.m.

NOTICE TO THE PUBLIC

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City of Sacramento Ethics Commission

City Hall Complex, 915 I Street, Sacramento, CA 95814

Regular Meeting DRAFT Minutes Monday, March 23, 2026 5:30 PM

Open Session

Regular meeting called to order by Chair LoFaso at 5:32 p.m. on Monday, March 23, 2026, at the Sacramento City Hall Chamber.

Commissioners Present: Annette Emery, Maikhou Thao, and Chair Alan LoFaso.

Commissioners Absent: Michael Kelly and Nicole Velasquez.

Land Acknowledgement – Led by Chair LoFaso.

Pledge of Allegiance – Led by Chair LoFaso.

Consent Calendar

Action: Moved/Seconded: Commissioner Emery / Commissioner Thao.

Yes: Commissioners Annette Emery, Maikhou Thao, and Chair Alan LoFaso.

Absent: Commissioners Michael Kelly and Nicole Velasquez.

A motion **passed** to adopt the Consent Calendar in one motion except as indicated at each item.

1. Approval of Ethics Commission Meeting Minutes

File ID: 2026-00689

Location: Citywide

Action: Passed a **Motion** approving Ethics Commission Meeting Minutes dated February 23, 2026.

Contact: Jacob Bredberg, Administrative Analyst, (916) 808-6846, jbredberg@cityofsacramento.org; Mindy Cuppy, City Clerk, (916) 808-5441, mcuppy@cityofsacramento.org; Office of the City Clerk

2. Ethics Commission Complaint Log

File ID: 2026-00243

Location: Citywide

Action: Passed a **Motion** approving the Ethics Commission Complaint Log.

Contact: Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk

3. Sacramento Ethics Commission Follow-Up Log

File ID: 2026-00682

Location: Citywide

Action: Received and filed.

Contact: Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk

Discussion Calendar

4. City of Sacramento Ethics Commission 2025 Annual Report

File ID: 2026-00675

Location: Citywide

Action: Moved/Seconded: Commissioner Thao / Commissioner Emery.

Yes: Commissioners Annette Emery, Maikhou Thao, and Chair Alan LoFaso.

Absent: Commissioners Michael Kelly and Nicole Velasquez.

1) Reviewed and provided direction on the 2025 Annual Report for the City of Sacramento Ethics Commission; and 2) passed a **Motion** forwarding report as amended to the Personnel & Public Employees (P&PE) Committee for consideration and approval with revisions and additions as discussed.

Contact: Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk

5. Sacramento Ethics Commissioner Community Outreach Program Strategies

File ID: 2026-00683

Location: Citywide

Action: Received and provided feedback.

Contact: Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk

Commissioner Comments – Ideas and Questions

Commissioners provided comments.

Public Comments-Matters Not on the Agenda

None.

Adjourned – 6:31 p.m.

City of Sacramento
Ethics Commission Report
915 I Street Sacramento, CA 95814
www.cityofsacramento.org

File ID: 2026-00244

4/27/2026

Ethics Commission Complaint Log

File ID: 2026-00244

Location: Citywide

Recommendation: Pass a **Motion** approving the Ethics Commission Complaint Log.

Contact: Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk

Presenter: None

Attachments:

1-Description/Analysis

2-Ethics Commission Complaint Log

Description/Analysis

Issue Detail: The purpose of the Ethics Commission is to review and consider complaints against elected and appointed City officials, as further described in Sacramento City Code section 2.112.030, to ensure that those officials are conforming their conduct to the City's laws and policies.

The Ethics Commission has the power and duty to review, investigate, and consider complaints alleging violations of the following:

- Section 35 of the Sacramento City Charter ("Limitation on future employment")
- Chapter 1.20 ("Fair Campaign Practices")
- Chapter 2.13 ("Campaign Contribution Limitations") and Chapter 2.14 ("Campaign Spending Limits and Public Campaign Financing"), if the city has not contracted with the Fair Political Practices Commission for enforcement of those chapters
- Chapter 2.15 ("Lobbyist Registration and Reporting Code")

- Chapter 2.16 (“Conflict of Interest”)
- Chapter 4.02 (“Code of Ethics”)
- Chapter 4.04 (“Transparent Government and Public Engagement”)
- Chapter 3 (“Conduct of Members”) and Rule 6.E (“Closed Sessions”) of the Council Rules of Procedure

The attached log describes complaints received to date and their respective statuses.

Policy Considerations: The Commission’s authority extends only to city elected officials, candidates for city elected office, independent expenditure committees, members of boards and commissions, the city manager, the city clerk, the city attorney, the city treasurer, the city auditor, the director of the office of public safety accountability, and lobbyists.

Economic Impacts: None.

Environmental Considerations: California Environmental Quality Act (CEQA): The proposed action is not a project under CEQA because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines §15378(b)(5).)

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: None.

Financial Considerations: None.

Local Business Enterprise (LBE): None.

Sacramento Ethics Commission Complaint Log
 Updated 03/30/2026

Complaint No.	Date Received	Method Received	Alleged Violation	Alleged Violation Details	Disposition	Referred To	Disposition Date
Pending							
2026-005	3/19/2026	Online	City Code Chapter 1.20 ("Code of Fair Campaign Practices") City Code Chapter 2.13 ("Campaign Contribution Limitations") and Chapter 2.14 ("Campaign Spending Limits and Public Campaign Financing") City Code Chapter 2.16 ("Conflict of Interest") City Code Chapter 4.02 ("Code of Ethics")	Alleged Conflict of Interest and Participation in Government Decisions Affecting Financial Contributors. This complaint alleges that a Sacramento public official participated in governmental decisions that had a reasonably foreseeable financial impact on entities and individuals who made campaign contributions to that official. This conduct raises serious concerns regarding impartial decision-making and potential violations of the City of Sacramento Code of Ethics.	Referred to Independent Evaluator on 03/30/2026	Independent Evaluator	
Dispositioned							
2026-004	3/19/2026	Online	City Code Chapter 2.16 ("Conflict of Interest") City Code Chapter 4.02 ("Code of Ethics")	Alleged Conflict of Interest and Participation in Government Decisions Affecting Financial Contributors. This complaint alleges that a Sacramento public official participated in governmental decisions that had a reasonably foreseeable financial impact on entities and individuals who made campaign contributions to that official. This conduct raises serious concerns regarding impartial decision-making and potential violations of the City of Sacramento Code of Ethics.	Dismissed, completely duplicative of 2026-005	n/a	3/30/2026
2026-006	3/20/2026	Online	City Code Chapter 2.16 ("Conflict of Interest") City Code Chapter 4.02 ("Code of Ethics")	I am submitting this formal complaint to report serious concerns regarding management practices at Allied Universal, specifically involving Supervisor/Manager and other site leadership. Wage and hour violations, failure to provide benefits to full-time employees, workplace safety and medical responsibility, disciplinary action without progressive process, potential retaliation concerns.	City Clerk Initial Review Completed 03/12/2026 – Dismissed for Lack of Jurisdiction (5.1(B)3): The respondent is not a person listed in City Code section 2.112.030.B.	n/a	3/25/2026
2026-003	3/8/2026	Online	City Code Chapter 1.20 ("Code of Fair Campaign Practices") City Code Chapter 2.13 ("Campaign Contribution Limitations") and Chapter 2.14 ("Campaign Spending Limits and Public Campaign Financing")	Potential Violations • California Government Code §84301 – Contribution made in the name of another • FPPC Regulation 18215.1 – Attribution of contributions from entities controlled by an individual • California Government Code §87100 – Public official participation in decisions affecting financial interests This complaint concerns campaign contributions accepted by the Mayor of Sacramento from both an individual donor connected to cannabis-related businesses and a corporate entity that is controlled by the same individual. That individual donor controls the corporate entity, California law requires that contributions be attributed to the individual and aggregated for purposes of contribution limits and disclosure requirements. Because the City of Sacramento regulates cannabis licensing, zoning, and retail permitting, campaign contributions from individuals or entities connected to cannabis businesses may raise transparency and conflict-of-interest concerns that warrant review. Documented Contributions (FPPC Form 460 Filings) Based on publicly available California Form 460 campaign disclosure filings, the following contributions appear in the Mayor's campaign committee reports. 3 Individual Contribution Nasser Azimi Orangevale, California Occupation listed: Partner – Teranomic Contribution Date: November 1, 2024 Amount: \$4,050 Business Entity Contribution Teranomic (Teranomic Software, Inc.) Emeryville, California Contribution Date: June 25, 2025 Amount: \$2,000 These contributions appear in campaign filings associated with the Mayor's committees. Teranomic Software is controlled by the same individual donor, FPPC regulations may require attribution of both contributions to the controlling individual. Corporate Relationships and Associated Entities Public information indicates potential connections between the above-listed donor and several cannabis-related businesses and entities including: • Teranomic Software 4 • Canntinas • Ohana Cannabis • Ohana Gardens • East Bay Therapeutics These entities share common ownership or control, FPPC regulations may require contribution attribution under Regulation 18215.1. Relevant Governmental Decision On March 25, 2025, the Sacramento City Council adopted Resolution No. 2025-0067, which extended the operational deadline for certain CORE (Cannabis Opportunity Reinvestment and Equity) dispensary permits from April 1, 2025 to April 1, 2026. This council action effectively allowed certain cannabis retail permits to remain viable and maintain their economic value rather than expiring. Information available to the complainant indicates that this extension may have allowed a cannabis retail business commonly known as the Oak Park dispensary located at 3856 Stockton Boulevard to proceed toward opening. This extension vote has had economic implications for entities connected to cannabis licensing or investment in Sacramento. Requested Investigation 5 The complainant respectfully requests that the Sacramento Ethics Commission review and determine: Whether Teranomic Software, Inc. is controlled by Nasser Azimi for purposes of campaign contribution attribution under FPPC Regulation 18215.1. Whether contributions from Teranomic Software, Inc. and Nasser Azimi should be aggregated under applicable campaign finance rules. Whether any contributors connected to these entities have financial interests in cannabis businesses operating or seeking permits within the City of Sacramento. Whether the Mayor participated in governmental decisions affecting cannabis licensing, including the March 25, 2025 CORE permit extension, that could affect contributors associated with the regulated industry. Whether campaign disclosures accurately reflect the true source of contributions as required under California campaign finance law. This complaint is submitted to ensure transparency and public confidence in Sacramento's campaign finance and ethics rules. The complainant respectfully requests that the Sacramento Ethics Commission review these matters and determine whether further investigation or enforcement action is warranted	City Clerk Initial Review Completed 03/12/2026 – Dismissed for Lack of Jurisdiction (5.1(B)3): Complaint alleges facts that are not subject to any provision of the Ethics Law	Recommended to Complainant to contact the FPPC	3/12/2026

Complaint No.	Date Received	Method Received	Alleged Violation	Alleged Violation Details	Disposition	Referred To	Disposition Date
2026-002	3/8/2026	Online	City Code Chapter 2.16 ("Conflict of Interest") City Code Chapter 4.02 ("Code of Ethics")	Failure to disclose financial interests, conceal ownership and potential circumvention of cannabis retail permit regulations through affiliated corporate entities. • Violation of Sacramento cannabis licensing regulations governing ownership and control of retail storefront dispensary permits. • Failure to properly disclose owners, financial interest holders, investors, or controlling persons in cannabis permit filings with the City of Sacramento. • Possible use of multiple corporate entities to conceal common ownership or operational control of more than one cannabis retail dispensary. Cannabis retail storefront dispensaries in Sacramento are regulated through the City of Sacramento Office of Cannabis Management. Cannabis permit applicants are required to disclose all owners, financial interest holders, investors, managers, and controlling persons. These disclosures are intended to ensure transparency and prevent individuals or entities from exercising control over multiple dispensaries through undisclosed ownership structures. Businesses Involved 3 The following cannabis retail businesses are referenced in this complaint: • Canntinas Cannabis Co., 3600 Power Inn Road, Suite A1, Sacramento, CA • Oak Park Cannabis Dispensary, 3856 Stockton Boulevard, Sacramento, CA This complainant does not currently possess the internal ownership disclosure documents submitted to the City of Sacramento for these businesses. However, publicly observable information suggests that individuals associated with the above dispensaries may share overlapping ownership interests or operational control. Because the City of Sacramento requires cannabis permit applicants to disclose all owners and financial interest holders, the City already maintains records that would confirm or refute whether the same individuals hold ownership interests in multiple dispensaries. Requested Investigation The complainant respectfully requests that the City of Sacramento investigate and determine: 1. The full ownership structure of Canntinas Cannabis Co. and Oak Park Cannabis Dispensary. 2. Whether any individuals or entities hold ownership, financial interests, or operational control in both dispensaries simultaneously. 3. Whether all cannabis permit filings submitted to the City of Sacramento accurately disclosed owners, financial interest holders, managers, and controlling persons. 4. Whether corporate entities or affiliated companies were used to conceal common ownership or 4 control of multiple dispensaries. 5. Whether the ownership structure of these dispensaries complies with Sacramento cannabis licensing regulations. Records Requested for Review Investigators may wish to review the following records maintained by the Sacramento Office of Cannabis Management: • Cannabis Business Operating Permit applications • Financial Interest Holder disclosure forms • Ownership disclosure forms • Manager or controlling person disclosures • Any amendments or updates to ownership filings This complaint is submitted in the interest of transparency and compliance with Sacramento's cannabis regulatory framework. The complainant respectfully requests that the City of Sacramento review the ownership structures of the cannabis businesses referenced above and determine whether any violations of Sacramento cannabis licensing regulations have occurred.	City Clerk Initial Review Completed 03/12/2026 – Dismissed for Lack of Jurisdiction (5.1(B)3): The respondent is not a person listed in City Code section 2.112.030.B.	n/a	3/12/2026
2026-001	3/3/2026	Online	City Code Chapter 1.20 ("Code of Fair Campaign Practices") City Code Chapter 2.16 ("Conflict of Interest") City Code Chapter 4.02 ("Code of Ethics") City Code Chapter 4.04 ("Sunshine Ordinance") Chapter 3 ("Conduct of Members") and Rule 6.E (Closed Sessions) of the Council Rules of Procedure	Completely fabricating and lying on correction notices. Excessive charging of Fee's even when we have done the proper steps of cancelling ahead of time or trying to not waste building inspectors time. Ignoring Phone calls, not reaching back out. Not answering my calls but answering when i call from different numbers. Intentional bias against our company. Charging re-inspection fee's for things other inspectors have told us are not needed (For example, we are told we don't need to submit new SOLARAPP checklists to the city but then will be told we are failing inspections for not having submitted it. Clear bias and abuse of power. Not answering calls. No communication, or transparency. Inspectors are failing projects without even leaving their office. We had an in person Final inspection with James Gill, and he wrote us a correction for needing an MPU and he did not even show up to perform the inspection. Which we pay for.	City Clerk Initial Review Completed 03/12/2026 – Dismissed for Lack of Jurisdiction (5.1(B)3): The respondent is not a person listed in City Code section 2.112.030.B.	Chief Building Official	3/12/2026
2025-015	12/1/2025	Online	City Code Chapter 4.04 ("Sunshine Ordinance") Chapter 3 ("Conduct of Members") and Rule 6.E (Closed Sessions) of the Council Rules of Procedure	Felonies including grand theft, criminal mischief, hate crimes and two counts of aggravated sexual assault; sexual, racial and ageist discrimination; conspiracy (while on the clock at the City of Sacramento) to commit criminal mischief; defiance of direct orders from Director Beecham not to commit felonies as committed by Messrs.' Frederickson & Aylesworth, along with a self-described special needs person whom they exploited. Exploitation of a self-described special needs person to commit a hate crime and to exact premeditated and coordinated execution of criminal mischief weaponized as a hate crime; lying to a citizen and long-time resident of Sacramento to protect and to care for the remaining specimens of horticulture, when no such care (ostensibly) was apparently forthcoming; refusal to divulge name of the alleged person(s) caring for specimens; Refusal to discuss suggested solutions by victim of these crimes and violations of civil and Constitutional rights, being dismissed out-of-hand as "a tall order" by employee Sara (peer of Mr. Aylesworth). Instead, victim received the penalty that (must needs) rightfully be levied against the co-conspirators who lease plot 25 and 12. Alleged, prohibited sexual relationships between manager and employee (and that relationships ostensibly or purportedly a motivating factor for Mr. Aylesworth to protect the perp (Mr. Frederickson) at the expense of the victim; slander of victim committed by Mr. Frederickson (in public in front of witnesses), even after victim pleaded for Mr. Frederickson to cease his slander. Dereliction of duty by Mr. Frederickson and then retaliation against the victim who refused his unwanted and unwarranted sexual harassment and two counts of sexual abuse: forming a cabal with leases of plots 12 and 25 to retaliate against victim who rebuffed said sexual abuse and harassment.	City Clerk Initial Review Completed 12/01/2025 – Dismissed for Lack of Jurisdiction (5.1(B)3): Complaint alleges facts that are not subject to any provision of the Ethics Law	YPCE	12/1/2025
2025-013	9/10/2025	Online	City Code Chapter 2.16 ("Conflict of Interest") City Code Chapter 4.02 ("Code of Ethics")	and about the above dates asking about the Burgess V City lawsuit, my deposition and statements, using her position power to intimate and prevent me from speaking with the plaintiffs counsel. On or about March 17, 2025 and May 23, 2025 used her official position as City Manager to improperly interfere with ongoing litigation involving the City of Sacramento. Specifically: 1. Improper Influence on Litigation: attempted to influence the outcome of a lawsuit filed against the city by contacting a witness directly. 2. Witness Intimidation: Leyne Milstein instructed the witness not to communicate with the plaintiff's counsel and engaged in conduct that appeared to intimidate or discourage the witness from cooperating. 3. Misuse of Position: By using her position as used her authority to influence what testimony, statements, and depositions are made public and how the city will proceed. My complete deposition including my email, and personal identifying information is public and I and my daughter are receiving harrassing calls and I fear for our safety. I presume the purpose in making my deposition public is to further intimate, harass, and cause harm. Leyne Milstein violated ethical standards requiring public employees to act with impartiality, integrity, and respect for the law.	10/27/25 - No Cause Report adopted and complaint dismissed by the Ethics Commission	n/a	10/27/2025

Complaint No.	Date Received	Method Received	Alleged Violation	Alleged Violation Details	Disposition	Referred To	Disposition Date
2025-014	9/14/2025	Online	City Code Chapter 2.16 ("Conflict of Interest") City Code Chapter 4.02 ("Code of Ethics") City Code Chapter 4.04 ("Sunshine Ordinance") Chapter 3 ("Conduct of Members") and Rule 6.E (Closed Sessions) of the Council Rules of Procedure	Said employee is online publicly, mocking the assassination of Charlie Kirk.	City Clerk Initial Review Completed 09/15/2025 – Dismissed for Lack of Jurisdiction (5.1(B)3): The respondent is not a person listed in City Code section 2.112.030.B.	n/a	9/15/2025
2025-012	8/18/2025	Email	Code of Ethics	has violated various ethical guidelines by subjecting me to a unfair, partial, biased application process including suppressing evidence to support my application and obstructing my application to be presented to the board of the bureau of security and Investigative Services for a formal decision with rights to appeal.	City Clerk Initial Review Completed 09/02/2025 – Dismissed for Lack of Jurisdiction (5.1(B)3): The respondent is not a person listed in City Code section 2.112.030.B.	n/a	9/2/2025
2025-011	7/31/2025	Email	Conflict of Interest	I am submitting this formal ethics complaint concerning of the City of Sacramento. I have serious concerns regarding recent policy decisions and votes related to cannabis legalization and land use policies, particularly in proximity to youth and vulnerable populations. Information I have obtained indicates a potential conflict of interest involving these officials. Public campaign finance records show that received multiple cannabis related campaign contributions in March, April, May, and June of this year from a group affiliated with former Sacramento City Councilmember reportedly has an ownership interest in the cannabis industry as a legal and equity advisor.	08/25/25 - No Cause Report adopted and complaint dismissed by the Ethics Commission	Independent Evaluator on 08/04/25.	8/25/2025
2025-010	7/21/2025	Via Email	Misrepresentation by staff	Since city staff members fall outside the jurisdiction of the Ethics Commission, and cannot be held directly accountable under Sacramento City Code § 2.112.030, we are directing this complaint toward , who is responsible for overseeing staff conduct and public presentations. We believe the City Manager must be held accountable for the misrepresentation of a formally recorded vote, which misled both the Law and Legislative Committee and the public, and undermined public trust in the policymaking process.	08/25/25 - No Cause Report adopted and complaint dismissed by the Ethics Commission	Independent Evaluator on 07/22/25.	8/25/2025
2025-008	7/16/2025	Via Email	Sacramento City Code	I am filing this formal complaint to report potential violations of the California Political Reform Act and the Sacramento City Code by Councilmember . The basis of this complaint is her receipt of political contributions from cannabis industry-affiliated entities and individuals, followed by her participation in votes and policymaking that directly benefited those same parties.	08/25/25 - No Cause Report adopted and complaint dismissed by the Ethics Commission	Independent Evaluator on 07/16/25 (after 5PM).	8/25/2025
2025-007	7/16/2025	Via Email	Code of Ethics	This complaint is submitted concerning Sacramento City Councilmember and potential violations of the Political Reform Act and City of Sacramento's Code of Ethics. The issue arises from campaign contributions received from cannabis-affiliated business leaders and the possibility of subsequent involvement in related legislative or land-use decisions.	08/25/25 - No Cause Report adopted and complaint dismissed by the Ethics Commission	Independent Evaluator on 07/16/25 (after 5PM).	8/25/2025
2025-006	7/16/2025	Via Email	Code of Ethics	I am submitting this formal complaint concerning Sacramento City Councilmember for potential violations of the Political Reform Act and the City of Sacramento's Code of Ethics. The basis of this complaint involves campaign contributions from cannabis-affiliated individuals and entities, followed by potential participation in cannabis-related land use, licensing, or zoning decisions within the 12-month conflict window defined by California Government Code §87100 and FPPC Regulation 18700 et seq.	08/25/25 - No Cause Report adopted and complaint dismissed by the Ethics Commission	Independent Evaluator on 07/16/25 (after 5PM).	8/25/2025
2025-005	7/13/2025	Via Email	Campaign Contributions	accepted campaign contributions from individuals with direct financial interests in Sacramento cannabis businesses, including: - Jacob Schmidt – Director of INTER-STA / The Sanctuary dispensary (C10 0000678 LIC) - Nasser Azimi – Executive associated with Cannitinas Cannabis Company (C10 0000762 LIC), Ohana Growers, East Bay Therapeutics, and Teranomic Software, Corp. Despite receiving these contributions, did not recuse himself from voting on or participating in decisions regarding cannabis zoning, licensing, and policy—creating the appearance of bias, favoritism, and regulatory capture. These actions raise serious concerns under: - City of Sacramento Ethics Code, including standards related to conflicts of interest, preferential treatment, and undermining public confidence in impartial governance. - City Charter provisions and Ethics Commission Guidelines prohibiting city officials from using public office for private advantage or favoring campaign contributors in regulatory matters.	08/25/25 - No Cause Report adopted and complaint dismissed by the Ethics Commission	Independent Evaluator on 07/15/25.	8/25/2025
2025-001	1/23/2025	Online	City Code Chapter 2.16 ("Conflict of Interest") City Code Chapter 4.02 ("Code of Ethics") City Code Chapter 4.04 ("Sunshine Ordinance") Chapter 3 ("Conduct of Members") and Rule 6.E (Closed Sessions) of the Council Rules of Procedure	, along with other individuals employed by the City Clerk's office, have consistently since January 16, 2025, refused me access to the City Clerk's office to file claims in person and to inspect original documents during the City Clerk's posted business hours which are maintained during the regular course of business by the City Clerk. I need to inspect these original documents to investigate and support a pending civil lawsuit arising out of a public nuisance created by a City of Sacramento homeowner, as well as numerous civil rights and writ of mandate pending suits against the City of Sacramento.	08/25/25 - No Cause Report adopted and complaint dismissed by the Ethics Commission	Independent Evaluator on 07/15/25.	8/25/2025

Complaint No.	Date Received	Method Received	Alleged Violation	Alleged Violation Details	Disposition	Referred To	Disposition Date
2024-010	11/25/2024		City Code Chapter 4.04 ("Sunshine Ordinance") Chapter 3 ("Conduct of Members") and Rule 6.E (Closed Sessions) of the Council Rules of Procedure	<p>Sacramento alleged failure to complete mandatory "Diversity, Equity, Inclusion, and Belonging (DEIB) Training for all City Elected Officials, Council Staff, and Appointed Officers" would constitute a violation of Chapter 3 of the Council Rules of Procedure, per the adopted Resolution 2023-0113*: Approving Mandatory Diversity, Equity, Inclusion, and Belonging Training for all City Elected Officials, Council Staff, and Appointed Officers.</p> <p>Racial Equity Committee Report File ID: 2024-01812*, "Report on Completed Mandatory Diversity, Equity, Inclusion, and Belonging (DEIB)/Racial Equity (RE) Training for City Elected Officials, Council Staff, and Appointed Officers and Next Steps" fails to identify attendance and status of completion of individuals for whom the training is required.</p> <p>However, city spokeswoman is on record in the Sacramento Bee stating that "Council leadership and the Human Resources Director are aware that the City Manager attended one of three sessions... Beyond that, I cannot comment as this is a personnel matter" (https://www.sacbee.com/opinion/article294895754.html). This publicly indicates that City Manager Howard Chan failed to complete this mandatory training, and constitutes conduct that should be investigated by the Sacramento Ethics Commission in case of violation of Chapter 3 of the Council Rules of Procedure.</p> <p>*Resolution 2023-0113 is contained as an attachment to Racial Equity Committee Report File ID: 2024-01812, both available at: https://sacramento.granicus.com/MetaViewer.php?view_id=68&clip_id=6091&meta_id=800888</p>	08/25/25 - No Cause Report adopted and complaint dismissed by the Ethics Commission	Independent Evaluator on 7/15/25.	8/25/2025
2025-009	7/16/2025	Via Email	Misrepresentation	<p>I am submitting this formal ethics complaint to bring to your attention a serious misrepresentation that occurred following the Planning and Design Commission's March 13, 2025 vote concerning cannabis zoning policy.</p> <p>At the March 13 meeting, the Commission voted to preserve the current Conditional Use Permit (CUP) requirements and maintain the existing sensitive use buffer zones for cannabis dispensaries and cultivation operations. This decision was affirmed and clearly stated on the record by Deputy City Attorney Kourtney Burdick on three separate occasions during the meeting.</p> <p>However, during the April 8 Law and Legislative Committee meeting, staff members presented a version of the policy that was inconsistent with what was actually voted on. Their presentation, which claimed to reflect the Commission's recommendation, did not align with the public record or the legal clarifications provided by the City Attorney. This misrepresentation appears to have influenced the Committee's action and misled both the public and Council regarding the Commission's intentions.</p> <p>This matter raises significant concerns about transparency, accountability, and the integrity of the city's legislative process. Staff knowingly or negligently mischaracterizing a Commission vote to advance an alternative policy direction undermines public trust and may constitute a violation of ethics guidelines governing honest and accurate representation of governmental actions.</p> <p>Furthermore, the mischaracterization of protections for K-12 schools, youth-oriented facilities, after-school programs, churches, and parks—all of which serve the same vulnerable population—erodes critical safeguards for Sacramento communities. These uses deserve equal treatment and full protection under our zoning code.</p> <p>I respectfully request that the Ethics Commission investigate this matter and hold any responsible parties accountable for the misrepresentation and breakdown in transparency. The public deserves a truthful and accurate reflection of the Planning and Design Commission's decisions.</p>	City Clerk Initial Review Completed 07/21/2025 – Dismissed for Lack of Jurisdiction (5.1(B)3): The respondents are not a people listed in City Code section 2.112.030.B.	Community Development Department	7/21/2025
2025-004	7/11/2025	Online	City Code Chapter 2.16 ("Sunshine Ordinance") Chapter 3 ("Conduct of Members") and Rule 6.E (Closed Sessions) of the Council Rules of Procedure	<p>over the course of the last month, my vehicles have been aggressively targeted by these officials and their subordinates for apparent code violations. i've made contact with these senior officers to show that they are incorrect in their findings. i've made visits to their office on 4 different occasions attempting to present my information and to express my better understanding of the code, than the actual officers themselves and i've yet to be given the opportunity to disprove them.</p> <p>i've expressed to these officers that i have evidence showing that my vehicles are not in violation of the 72 hour rule and that the onslaught of violation notices is becoming harassment. they have consistently misrepresented code 10.24.070 by stating that a vehicle can solely not be parked in a location for longer than 72 hours. what they have failed to acknowledge based on what i've shared and have been trying to share, is that 10.24.070 states that a vehicle can not remain parked in a location for more than 72 hours, nor can it be parked within 300 feet of the initial parking spot within those 72 hours, "...unless such vehicle is maintained in an operable condition and driven within the 72 consecutive hours mentioned above." i have shared with all 3 of these officers that my vehicles are maintained, registered, operable and have been constantly driven during the times that claim, but yet they claim that does not matter and they will tow my vehicle anyway. based on the code, my vehicles are not subject to tow and would only be subject to tow because these officers have not acknowledged the latter part of 10.24.070 that clearly states i am within my rights. they have consistently taken away a part of that code given to me by the city so that they can justify their wrongdoings. and if they are allowed to proceed with misrepresenting the code, they are putting people and their belongings in jeopardy wrongfully.</p>	<p>City Clerk Initial Review Completed 07/15/2025 – Dismissed for Lack of Jurisdiction (5.1(B)3): The respondent is not a person listed in City Code section 2.112.030.B.</p> <p>Referred to another city department - Code Enforcement (5.1(B)2)</p>	Code Enforcement	7/15/2025
2025-003	5/14/2025	Online	City Code Chapter 2.16 ("Conflict of Interest") City Code Chapter 4.02 ("Code of Ethics")	<p>My name is , and I serve as the President of Sacramento Masters Swimming. I am writing to formally file a complaint regarding the City of Sacramento's failure to uphold the terms of our signed rental agreement for the use of the North Natomas Aquatic Center. Per our executed contract, the agreed-upon rental terms are clearly stated as follows:</p> <p>"Organization shall pay \$10.00 per lane, per hour for 25-yard lanes and \$20.00 per lane, per hour for 50-meter lanes ("Rental Fee")." However, the City of Sacramento is currently imposing billing requirements that exceed those stipulated in the contract. Specifically, Sacramento Masters is being charged with a mandatory minimum of 10 lanes for a minimum of 2 hours, regardless of our actual lane usage. These additional requirements and costs are not included in the signed agreement. Furthermore, the contract does not distinguish between the competition pool and the recreational pool, nor does it include any language establishing minimum lane or time obligations. This deviation from the agreed-upon terms has resulted in Sacramento Masters being overcharged by approximately \$1,200 per month. Despite raising this issue directly with City representatives and , our request for compliance with the contract has been denied. We respectfully request the following: That the City of Sacramento immediately cease the imposition of any minimum lane or time requirements not included in the signed agreement.</p> <p>That all future charges reflect the exact terms stated in the executed contract. That Sacramento Masters be credited for past overcharges, calculated based on the contractual rates. We hope to resolve this matter promptly and amicably. However, we are prepared to pursue all necessary administrative and legal remedies to ensure the integrity of our agreement is upheld</p>	Formstack/Online Submittal error and complaint not received until 07/15/2025.	Youth, Parks, and Community Enrichment Department	7/15/2025

Complaint No.	Date Received	Method Received	Alleged Violation	Alleged Violation Details	Disposition	Referred To	Disposition Date
2025-002	2/23/2025	Online	City Code Chapter 1.20 ("Code of Fair Campaign Practices") City Code Chapter 2.16 ("Conflict of Interest") City Code Chapter 4.02 ("Code of Ethics") City Code Chapter 4.04 ("Sunshine Ordinance") Chapter 3 ("Conduct of Members") and Rule 6.E (Closed Sessions) of the Council Rules of Procedure	I called Sacramento non-emergency line to report that my stolen vehicle license plate number [redacted] report number [redacted] was spotted on heritage Lane on heritage Lane and exposition boulevard on the right hand side and officer Becker gave me the third degree about what I was doing since I had found out this information in the morning and why didn't I call right then and I had to explain to her I was taking a shower I had to get something to eat I changed I did chores I did my makeup and this was only after she refused to send somebody just drive by out there to see if there was a stolen vehicle there she wanted me to drive by there to check on a stolen vehicle then I told her it wasn't safe for me to do so these people stole my vehicle they're not going to be happy to see me. So then I called back and asked her if she could just make a note of it so when the officers had time they could just swing by there cuz it is a non-emergency I was calling the non-emergency line so then at that point I asked her for the complaint telephone number and she transferred me over officer [redacted] at that point she said she would have a supervisor her supervisor which I thought officer Ronnie was a supervisor but I guess I was wrong so a supervisor check and see if they're able to send the officer to just drive by there to see if the vehicle was there stolen vehicle... I think the way they went about questioning me was unconstructive and unethical I mean I'm calling in about a stolen vehicle and they were totally unwilling to help me. And only after I called two times they put it to they said I don't even know if they're going to do it have a supervisor look at it but their conduct is unethical unconstructive and intrusive.. thank you	Formstack/Online Submittal error and complaint not received until 07/15/2025.	OPSA	7/15/2025
2024-008	9/25/2024	Online	City Code Chapter 4.02 ("Code of Ethics")	I recieved yesterday a notice of Assignment from a company called Professional Account Management, LLC. concerning a parking violation. I have never heard of this organization and am suspecting SCAM. Could you please forward this email to someone that could verify that the violation is legitate and that I have not previously paid it? Thanks	Dismissed by City Clerk-Lack of Jurisdiction. Complaint was not about an individual and issue cited was not under the jurisdiction of the commission.	City Parking Division	9/25/2024
2024-007	9/7/2024	Online	City Code Chapter 1.20 ("Code of Fair Campaign Practices") City Code Chapter 4.02 ("Code of Ethics")	Campaign sign placed in roadway center divider, contrary to camaign and zoning ordinances. Located at the westbound intersection of H and J streets near SacState.	Dismissed by City Clerk-Lack of Jurisdiction. 1.20 and 4.02 do not cover political signage. Complainant was referred to city code chapter 15.148.310 and to the 311 website link regarding signage complaints.	311	9/10/2024
2024-006	7/18/2024	Online	Chapter 2.15 ("Lobbyist Registration and Reporting Code")	[redacted] has been the District Director for almost two decades. He has NEVER filed an annual form 700 disclosure form. He is working as a lobbyist for the Building Industry Association (BIA) and has never disclosed this. He is embedded on the 5th floor with all of the council members and the Mayor and has the opportunity to influence legislation around housing and development that comes before the council.	Dismissed by City Clerk-Lack of Jurisdiction. Respondent is not under the jurisdiction of the Ethics Commission.	n/a	7/18/2024
2024-005	6/28/2024	Email, Online, and Dropbox	City Code Chapter 4.02 ("Code of Ethics")	[redacted] for breaking "Public Trust" of their powers and authorities to protect the benefits of public but protect the benefits of Sacramento Police Officers.	Dismissed by City Clerk-Lack of Jurisdiction		7/5/2024
2024-009	5/30/2024	Email	Chapter 2.16 ("Conflict of Interest")	Recently, the City Council considered whether your commission should have subpoena power. Attached is a document outlining why it is essential for your commission to have subpoena power and to use that power to subpoena financial records and the client list related to her practice as an attorney. There was a Sacramento Bee article discussing this situation and even surfaced an attempt by her office to interfere with city code enforcement on behalf of her client. The City CPRA process is inadequate and Kaplan has not provided documentation related to her client list. This is being sent to you anonymously because she has clearly demonstrated capacity to retaliate against people. Please take action and hold a hearing to investigate [redacted] financial conflicts of interest. Please see attached statement of fact. The complaint includes official Natomas Unified School District meeting minutes identifying a voting pattern by that resulted in \$183 million dollars in no bid contracts being awarded to Vanir LLC and various contractors with campaign finance ties to [redacted]. Further, it is demonstrated that [redacted] understood her need to recuse herself in these proceedings yet later she voted in affirmation of awarding her client and donors millions of dollars in public money, including but not limited to a "blank check" contract. It is further alleged that [redacted] and her Council staff have inappropriately interfered in City code and compliance investigating complaints related to 601 J street, the future home of Vanir Tower, a property Vanir LLC acquired prior to the construction of the Golden One Center. Vanir LLC's Dorene Dominguez is also minority owner of the Sacramento Kings	City Clerk Initial Review Completed 02/18/2025 – Dismissed for Lack of Jurisdiction (5.1(B)3): Complaint alleges facts that are not subject to any provision of the Ethics Law. The complaint alleges violations that occurred prior to when respondent was an elected city official.	n/a	2/18/2025
2024-002	2/12/2024	Online	Chapter 3 ("Conduct of Members") and Rule 6.E (Closed Sessions) of the Council Rules of Procedure	I am writing to kindly request your attention to a matter that constitutes an act of violation by [redacted], of the City of Sacramento Council Rules and Procedures, of the Rosenberg's Rules of Order and of the Ralph. M. Brown Act. The City of Sacramento Council Rules and Procedures stipulates that "The [redacted] is considered a member of the council" and "possesses no veto power over actions of the council". The City of Sacramento Council Rules and Procedures also establishes a process for Council member Proposal Requests that "modulates the agenda requests of individual council members by referring those requests to the relevant city council standing committee for review" (see attached Flowchart). The Rosenberg's Rules of Order stipulate that "A motion to table an item (or to bring it back to the body) requires a simple majority vote". The Ralph. M. Brown Act Code stipulates that "Each agenda for a regular public meeting must provide the public with an opportunity to address the legislative body on any item on the agenda, before or during the legislative body's consideration of the item, and on any item of interest to the public that is within the subject matter jurisdiction of the legislative body." In violation of the City of Sacramento Council Rules and Procedures, [redacted] vetoed on 1/26/24, the inclusion in the Council's Agenda of a Ceasefire Resolution introduced by [redacted] on 1/24/24. The [redacted] also failed to follow the established Council Member Proposal Request Flowchart by unilaterally giving himself the power to obstruct the resolution referring to it as a "foreign policy issue" despite writing in an official letter on 1/23/24 (attached): "Some ask why the city council should get involved in these difficult and controversial issues. It is a fair question. I do not believe we have a real choice". In Violation of the Rosenberg's Rule of Order, the [redacted] has tabled the Ceasefire Resolution without referring to a majority vote. In violation of the Ralph Brown M. Act, Mayor Steinberg prevented on 2/9/24, more than 50 members of the public from making public comments during the Sacramento City Council Public Meeting despite submitting Speakers slips and despite Sacramento providing \$7M in funding to Israel according to the USPCR- US Campaign for Palestinian Rights (see attached infographic).	Dismissed by Ethics Commission-Complaint Unfounded		6/24/2024
2024-004	5/17/2024	online	City Code Chapter 4.02 ("Code of Ethics")		Dismissed by City Clerk-Lack of Jurisdiction		5/28/2024
2024-003	5/15/2024	online	City Code Chapter 4.02 ("Code of Ethics")	Ethics complaint of [redacted]	Dismissed by City Clerk-Lack of Jurisdiction		5/15/2024

Complaint No.	Date Received	Method Received	Alleged Violation	Alleged Violation Details	Disposition	Referred To	Disposition Date
2024-001	1/2/2024	Online	City Code Chapter 4.02 (Code of Ethics)	I continually have my car ticketed (parking). I have and pay for a parking permit to park where I am parking. I have to contest the parking ticket even though I have a parking permit; This is harassment. I pay for a parking permit and I am still ticketed. I have to dispute the ticket and then the "violation" will be dismissed. I have received over \$1000 worth of parking ticket by the City of Sacramento and they all have been dismissed because of errors on the side of the City of Sacramento Parking division. This is harassment.	Dismissed by City Clerk-Lack of Jurisdiction	Public Works	1/3/2024

City of Sacramento
Ethics Commission Report
915 I Street Sacramento, CA 95814
www.cityofsacramento.org

File ID: 2026-00882

4/27/2026

Sacramento Ethics Commission Follow-Up Log

File ID: 2026-00882

Location: Citywide

Recommendation: Receive and file.

Contact: Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk

Presenter: None.

Attachments:

1-Description/Analysis

2-Follow Up Log

Description/Analysis

Issue Detail: Like other City commissions and committees, the Ethics Commission maintains, as a standing item, a follow-up log to organize and track items that will be considered in the future. The follow-up log details each item and gives an estimate of when staff expects to bring the item back to the Commission. Commission members are welcome to add items to the log during each meeting.

Policy Considerations: None.

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: None.

Financial Considerations: None.

Local Business Enterprise (LBE): None.

Sacramento Ethics Commission Follow-Up Log

2.112.020 Purpose of Ethics Commission:

The purpose of the commission is to review and consider complaints against elected and appointed city officials, as further described in section 2.112.030, to ensure those city officials are conforming their conduct to the city's laws and policies.

Item #	Request Date	Requestor	Staff Responsible	Description	Status/Disposition
1	2/23/2026	LoFaso/ Velasquez	Lindsey	Training on Ethics Commission Procedures	Scheduled for 4/27 commission meeting.
2	2/23/2026	Emery	Independent Evaluator	Training on what the Independent Evaluator reviews	Scheduled for 6/22 commission meeting. Training will cost \$5,000.
3	2/23/2026	Kelly	Cuppy	Update on contract with FPPC and campaign finance audits conducted	Scheduled for 4/27 commission meeting.
4	2/23/2026	LoFaso	Lindsey	Training on scope of Ethics Commission	Scheduled for 4/27 commission meeting.

Rev. 04/06/2026

File ID: 2026-00883

4/27/2026

City of Sacramento Ethics Community Outreach Program Update

File ID: 2026-00883

Location: Citywide

Recommendation: Provide updates on community outreach program activities.

Contact: Mindy Cuppy, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk

Presenter: Commissioners.

Attachments:

1-Description/Analysis

Description/Analysis

Issue Detail: The commission approved their 2025 Annual Report on March 23, 2026 and it is scheduled to be reviewed by the Personnel and Public Employees (P&PE) Committee on April 28, 2028. In that report, the commission recommended the following workplan for 2026:

Community Outreach (Continued from 2025 Workplan)

1. Commissioners will outreach to the community and offer to present regarding the scope and activities of the Sacramento Ethics Commission.
2. Cost: Negligible, commissioners to attend meetings, cost to print materials and likely to be done in-house.

Ethics Training (Continued from 2025 Workplan)

1. In furtherance of the city's ethics program goal of clear guidelines on expectations of city officials in the conduct of city business, the commission will review existing ethics training that is provided by the city and make recommendations regarding additional training as appropriate.
 2. To ensure best practices in commission hearings, the commission will review and make recommendations about additional training to be provided to Ethics Commissioners.
-

3. Cost: Staff time to provide report to commission. Commission to develop recommendations which will include cost estimation for additional training if suggested.

This report is an opportunity for commissioners to share their community outreach program activities since their last meeting.

Policy Considerations: The commission was established for the purpose of reviewing and considering complaints against elected and appointed city officials, as further described in section 2.112.030 of the Sacramento City Code, to ensure those city officials are conforming their conduct to the city's laws and policies..

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: None.

Financial Considerations: None.

Local Business Enterprise (LBE): None.

File ID: 2026-00884

4/27/2026

History of the Fair Political Practices Commission Contract for Administration, Implementation, and Enforcement of Sacramento City Code Chapter 2.13 (Campaign Contribution Limits Code)

File ID: 2026-00884

Location: Citywide

Recommendation: Receive and file.

Contact: Mindy Cuppy, MMC, City Clerk, (916) 808-5442, mcuppy@cityofsacramento.org, Office of the City Clerk

Presenter: None

Attachments:

- 1-Description/Analysis
- 2-March 21, 2017 City Council Staff Report
- 3-March 2018 Contract with the Fair Political Practices Commission
- 4-2019 Local Jurisdiction Contract Template
- 5-August 26, 2019 Commission Staff Report: Review of FPPC Agreement
- 6-August 24, 2020 Commission Staff Report: Audits of June 2018 Election

Description/Analysis

Issue Detail: On March 21, 2017, the City Council adopted Ordinance No. 2017-0027 adding chapter 2.13 (Campaign Contribution Limits Code) to the Sacramento City Code. Among other things, chapter 2.13 authorizes the City Council to approve an agreement between the City and the California Fair Political Practices Commission (FPPC). This staff report recommended that the city enter into a contract with the FPPC to provide enforcement of the ordinance along with training and advise letters. The City and the FPPC entered into such an agreement in April 2018 (City Agreement No. 2018-0550) and that contract expired on December 31, 2019.

The FPPC's services under the initial agreement was limited to auditing, enforcement, advice, education and training, and legal review related to chapter 2.13. During the term of the agreement the FPPC created a webpage dedicated to the City's campaign-finance rules, appeared before the

Commission, and in April 2020 completed audits of seven candidate committees that were active during the June 2018 election.

The total amount of services rendered during the term of the contract was \$40,717 (\$9,062 in 2018, and \$31,655 in 2019). The City of Sacramento, pursuant to the contract, expended \$110,000 in floor payments.

On August 15, 2019, the FPPC adopted a Local Jurisdiction Contract Template. The template FPPC's "floor" compensation under the agreement was \$55,000 a year with total compensation capped at \$300,000.

On August 26, 2019 the Sacramento Ethics Commission received a staff report to review the agreement with the Fair Political Practices Commission. Sacramento City Code section 2.112.030 provides that the Commission has the power and duty, every two years, to review any agreement the City has with the FPPC "for the purpose of reporting to the council on the [agreement's] efficacy." The Commission may also make recommendations to the City Council regarding renewal of the agreement.

On August 24, 2020 the Sacramento Ethics Commission received a staff report regarding the results of the June 2018 Election. There were seven candidate committees that reached the threshold for auditing (\$2,000 in contributions or expenditures). The FPPC initiated these audits in early 2019 and completed them between January and April 2020.

There is currently no contract with the FPPC in place. Staff's attempt to negotiate with the FPPC to lower the floor or to pay only for services rendered was unsuccessful. Staff analysis of the efficacy of the contract could not justify the taxpayer expense.

Policy Considerations:

Economic Impacts: Not applicable.

Environmental Considerations: California Environmental Quality Act (CEQA): The proposed action is not a project under CEQA because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines §15378(b)(5).)

Sustainability: Not applicable.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: Not applicable.

Financial Considerations: Not applicable.

Local Business Enterprise (LBE): Not applicable.



City Council Report

915 I Street, 1st Floor
Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2017-00468

March 21, 2017

Discussion Item 27

Title: Ordinances Amending the City Code: 1) Relating to Implementation of the Transparent Government and Public Engagement Framework (Sunshine Ordinance); 2) Establishing a Code of Ethics; 3) Establishing an Ethics Commission; and 4) Relating to Campaign Contribution Limitations (Passed for Publication 03/14/2017; Published 03/17/2017)

Location: Citywide

Recommendation:

- 1) Pass an Ordinance Naming Title 4 and adding Chapter 4.04 to the City of Sacramento Code Related to Transparent Government and Public Engagement (Sunshine Ordinance);
- 2) Pass an Ordinance adding Chapter 4.02 to the Sacramento City Code establishing a Code of Ethics;
- 3) Pass a) an Ordinance adding Chapter 2.112 to the Sacramento City Code, establishing an Ethics Commission; and b) a Resolution adding a 1.0 FTE Compliance Officer position to the City Clerk's Office and authorizing the Department of Finance to make the necessary budgetary transfers associated with the implementation of this program; and
- 4) Pass an Ordinance amending Title 2 of the City Code related to Chapter 2.13 Campaign Contribution Limitations.

Contact: Shirley Concolino, MMC, City Clerk (916) 808-5442, Office of the City Clerk

Presenter: Shirley Concolino, MMC, City Clerk (916) 808-5442, Office of the City Clerk

Attachments:

1A-Description/Analysis for Transparent Government and Public Engagement (Sunshine Ordinance)

1B-Sunshine Ordinance

2A-Description/Analysis for Ethics Code

2B-Ethics Code Ordinance

3A-Description/Analysis for Ethics Commission

3B-Ethics Commission Ordinance

3C-Resolution

4A-Description/Analysis for Campaign Finance

4B-Campaign Finance Ordinance

Description/Analysis - Transparent Government and Public Engagement (Sunshine Ordinance)

Issue Detail: This report was initially heard by the City Council at their January 5, 2017 meeting. In addition to supporting the recommendations of the Law and Legislation Committee, the City Council directed that amendments raised at the Law & Legislation Committee meeting including requiring City Council Ad Hoc Committee meetings to be public meetings, require Council members to announce a behest earlier than 30 days if voting on issues relative to the payor and requiring that all city business should be conducted on city servers be included in the ordinance. They also directed the City Clerk to include in the annual update of the Council Rules of Procedure a proposed process for Councilmembers to publish proposed amendments to ordinances prior to the Council hearing of an ordinance. Those changes were incorporated and approved by Council on January 24, 2017.

Council also directed staff to bring the Sunshine Ordinance back to Council along with the remaining Good Governance Framework items including a Code of Ethics, amendments to the City's Campaign Finance Ordinance and an ordinance establishing an Ethics Commission.

Background

On September 15, 2015, the City Council approved the recommendations presented by the Ad Hoc Committee resulting in adoption of the Framework of Recommendations for Good Governance and direction to the City Clerk to work with the City Attorney on the identified items.

Adoption of the Sunshine Ordinance is one of the remaining items to be implemented from the approved Frame for Good Governance.

This ordinance was passed for publication by the City Council on March 14, 2017.

Policy Considerations: The recommendations in this report are consistent with the City Council direction at their meeting of January 5, 2017.

Financial Considerations: None at this time.

Economic Impacts: Not applicable.

Environmental Considerations: Not applicable.

Sustainability: Not applicable.

Commission/Committee Action: The Law and Legislation Committee reviewed the proposed ordinance at their September 13, 2016 Committee meeting. They voted to forward the

ordinance to full Council for discussion and adoption. (The attached ordinance is a structural modification of the ordinance approved by the committee, for better concept organization; no changes have been made to the substantive provisions.)

At the September meeting, representatives from Common Cause and the League of Women Voters requested the following key amendments to the ordinance, which were not adopted by the committee:

- Require City Council Ad Hoc Committee meetings to be public meetings
- Require Council to announce a behest earlier than 30 days if voting on issues relative to the payor
- All city business should be conducted on city servers

Rationale for Recommendation: This “Sunshine Ordinance” formalizes the City’s current practices and incorporates best practices from other cities to improve transparency and compliance, and encourage public engagement.

Local Business Enterprise (LBE): Not applicable.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE NAMING TITLE 4
AND ADDING CHAPTER 4.04 TO THE SACRAMENTO CITY CODE
RELATING TO TRANSPARENT GOVERNMENT AND PUBLIC ENGAGEMENT

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings and Purpose.

- A. The Ralph M. Brown Act (Government Code section 54950 et seq., the “Brown Act”) provides for public access and participation in meetings of California legislative bodies.
- B. Section 30 of the Sacramento City Charter provides that the city council shall determine its own rules and order of business.
- C. The Maddy Act (Government Code section 54970 et seq.) mandates active and transparent recruitment of citizens to serve on local advisory boards, commissions, and committees.
- D. The California Public Records Act (Government Code section 6250 et seq.) provides the public with timely access to public records.
- E. The Political Reform Act, specifically Government Code section 87300, requires the City of Sacramento adopt a conflict of interest code that designates positions required to file Statements of Economic Interests (Form 700) and assigns disclosure categories specifying the types of interests to be reported.
- F. Section 33 of the Sacramento City Charter provides that “the city council shall require the city clerk to keep a permanent public record of its proceedings showing all action considered and taken, motions and records, the text of ordinances and resolutions introduced or adopted and all amendments thereto proposed or adopted, and the vote of each council member regarding any matter before the city council or any committee thereof.”
- G. Section 71 of the Sacramento City Charter provides, in part, that the city clerk shall be responsible for the official records of the city and that the city council may prescribe additional duties of the city clerk.

- H. This ordinance is intended to enhance the public's ability to participate in the city's decision-making process and have access to public information and records.

SECTION 2.

Title 4 of the Sacramento City Code is hereby entitled "Ethics and Open Government."

SECTION 3.

Chapter 4.04 is added to the Sacramento City Code to read as follows:

Chapter 4.04 TRANSPARENT GOVERNMENT AND PUBLIC ENGAGEMENT

4.04.010 Short title.

This chapter shall be known and may be cited as the "Sacramento Sunshine Ordinance."

4.04.020 Minimum posting of council agenda materials.

- A. The city clerk shall post the agenda of each regular or adjourned regular meeting of a city legislative body (as that term is defined in Government Code section 54952) at least 120 hours in advance of the meeting in a location that is freely accessible to members of the public as required by the Ralph M. Brown Act.
- B. All agreements requiring council approval must be posted on the city's website and be made available to the public prior to council action unless determined otherwise by the city attorney.
- C. Unless waived by two-thirds vote of council, all labor agreements and all agreements greater than \$1,000,000 must be posted on the city's website and be made available to the public at least 10 days prior to council action.

4.04.030 Records of city council actions.

- A. The city clerk shall, within a reasonable time and for each city legislative body (as that term is defined in Government Code section 54952), provide public access to all meeting records, including agendas, reports and supplemental material, action minutes, proposed and adopted ordinances, proposed and adopted resolutions, and other meeting correspondence.

- B. Whenever practicable, the city clerk shall stream live video and audio to the city's website for city legislative body meetings and archive them for access from the city's website.
- C. The requirements in this section are in addition to the requirements in the Ralph M. Brown Act and the Council Rules of Procedure.

4.04.040 Ad hoc committees.

- A. Council ad hoc committees shall be considered city legislative bodies subject to the Ralph M. Brown Act.
- B. The chair of a council ad hoc committee shall provide an oral report at the first council meeting following an ad hoc committee meeting.
- B. The city clerk shall place an item on the council agenda, including a written report, when a council ad hoc committee is dissolved.

4.04.050 Public records access.

- A. The city clerk shall identify and publish a catalog of public records that are available on the city's website and accessible in the online records library.
- B. The city's chief information officer shall publish data sets to the city's open data portal according to the city's published open data policy.
- C. The city clerk shall annually report to council the metrics of California Public Records Act requests and responses.

4.04.060 Website publication of city information.

- A. Boards and commissions. In addition to the requirements of the Maddy Act (Government Code section 54970 et seq.), the city clerk shall publish to the city's website information about each city board and commission, including the current roster and vacancy information, and shall provide easy access to apply for any vacant seat.
- B. Regional organizations and joint powers authority appointments. The city clerk shall publish to the city's website each January the approved appointments of councilmembers to regional organizations and joint powers authorities.

- C. Citywide policies and procedures. The city clerk shall publish and update all approved citywide policies and procedures to the city's website.
- D. Records management policy and retention schedule. The city clerk shall publish annually to the city's website the city's records management policy, including the city's records retention schedule.
- E. Campaign disclosures. The city clerk shall publish to the city's campaign statement public web portal campaign contributions and expenditures, campaign statements filed by candidates and committees, and committee filing history by election.
- F. Statement of Economic Interests - Form 700. The city clerk shall publish to the city's conflict of interest public web portal completed forms for filers identified in the city's conflict of interest code.

4.04.070 Policy training.

- A. Records management policy and retention schedule.
 - 1. Each elective official, appointed officer, and department director shall be responsible for designating the city staff within their respective control who must complete training on the city's record management policy and retention schedule.
 - 2. Every odd-numbered year, designated staff shall complete training on the city's records management policy and retention schedule.
 - 3. The city clerk shall be responsible for developing the records management training program and requirements. The training must include training on state law requirements and the city's record management policy and retention schedule.
- B. Social media policy training.
 - 1. Each elective official, appointed officer, and department director shall be responsible for designating the city staff within their respective control who must complete training on the city's social media policy.
 - 2. Every even-numbered year, designated staff shall complete training on the city's social media policy.

3. The city clerk shall be responsible for developing the social media policy training program and requirements, which must include training on the city's social media policy.

4.04.080 Reporting of behests.

- A. Notwithstanding the 30 days afforded elected officials under the Political Reform Act (California Government Code section 82015) to file behested payment reports, city elected officials shall file behested payment reports within five business days following the date on which the payment or payments requiring such reports are made.
- B. If the payor of a reportable behested payment will materially benefit from a decision of the city council that occurs before the filing deadline set forth in subsection A, the elected officer shall also announce the behested payment – including the identity of the payor, the amount, and the identity of the payee – at the council meeting before voting on the matter.
- C. An elected official's obligations under this section arise upon actual knowledge of the payee's receipt of the behested payment.

4.04.090 Use of city resources for conducting city business.

- A. The city shall provide every employee a city email address.
- B. No city employee shall use electronic communication for the conduct of city business unless each electronic communication regarding city business is simultaneously copied to, or promptly thereafter forwarded to, their city email address.
- C. When asked by the city's record manager, or other authorized person, for potential disclosure in response to a request under the California Public Records Act, city employees shall produce to the city's record manager, or other authorized person, all city-business-related electronic communications stored on that person's private device or private electronic communication account.
- D. Definitions. As used in this section:
 1. The term "employee" means elected official, officer, and employee.
 2. The term "private" means not owned, controlled, or managed by the city.

3. The term "electronic communication" means electronic mail (email) and other electronic messaging systems that are used for purposes of communicating between individuals. By way of example only, texts and instant messages are electronic communications.

4.04.100 Annual review of Sunshine Ordinance and policies.

- A. Sunshine Ordinance. Each January, the city clerk shall report to the city council on the operation of this chapter, and make appropriate recommendations for the amendment of this chapter. Nothing in this section precludes additional reviews and reports on this chapter throughout the year.
- B. Social media policy. The city's records manager shall review and update the city's social media policy at least annually.
- C. Records management policy. The city clerk shall review and update the city's records management policy, including the city's records retention schedule, at least annually.

4.04.110 Violations.

The violation of any provision of this chapter is not a misdemeanor or infraction. Violations may be reported to the office of compliance for investigation and appropriate action.

Description/Analysis – Code of Ethics

Issue Detail: At their January 5, 2017 City Council meeting, the Council directed that the issue of a Code of Ethics be scheduled for discussion by the Law and Legislation Committee and an ordinance be brought back for consideration by the full City Council in mid-February.

Background: On September 15, 2015 the City Council approved the recommendations presented by the Ad Hoc Committee resulting in adoption of the Framework of Recommendations for Good Governance and direction to the City Clerk to work with the City Attorney on the identified items.

On January 5, 2017 the City Council directed that the remaining items from the adopted Framework be scheduled for discussion by the Law and Legislation Committee for implementation which included the Code of Ethics, an Ethics Commission Ordinance and updates to the current Campaign Contribution Limitations ordinance.

This ordinance was passed for publication by the City Council on March 14, 2017.

Policy Considerations: The recommendations in this report are consistent with the City Council direction to implement the remaining recommendations from the approved Framework for Good Governance in a cost effective manner.

Financial Considerations: Not applicable.

Economic Impacts: Not applicable.

Environmental Considerations: Not applicable.

Sustainability: Not applicable.

Commission/Committee Action:

At their January 24, 2017 the Law and Legislation Committee meeting, the Committee discussed details of a Code of Ethics and provided direction to as follows

Specific direction from the Committee included:

- Add Nepotism Policy and Whistler Blower Protection Policy to Code of Ethics
- Interest in adding the City's Code on Lobbyist Registration to the Code of Ethics

The Code of Ethics will apply to all city employees including elected officials, charter and council appointed officers.

At their February 14, 2017 the Law & Legislation Committee reviewed a draft Ethics Code Ordinance and provided the following direction:

- City Code on Lobbyist Registration is included
- Add more specific language on the requirement for use of use of city resources for conducting city business
- Direct that compliance of the City's Nepotism Policy be included during contract negotiations with Local 522 Firefighters Union

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE ADDING CHAPTER 4.02

TO THE SACRAMENTO CITY CODE RELATED TO A CODE OF ETHICS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings and Purpose.

- A. The purpose of city government is to serve the public.
- B. Section 30 of the Sacramento City Charter provides that the city council shall determine its own rules and order of business.
- C. Assembly Bill 1234 and its implementing regulations require that compensated officials of the city's legislative bodies (as that term is defined in Government Code section 54952) receive ethics training.
- D. Assembly Bills 1825 and 1661 collectively mandate sexual harassment training for any city employee who performs supervisory functions, as well as elected officials.
- E. The Political Reform Act (Government Code section 81000 et seq.) and its implementing regulations cover, among other things, campaign disclosure; campaign contribution limits; lobbyist filings; conflicts of interest; auditing; enforcement; honoraria, gifts, and travel; and campaign documents.
- F. Government Code section 87300 requires the city to adopt a conflict of interest code that designates positions required to file Statements of Economic Interests (Form 700) and assigns disclosure categories specifying the types of interests to be reported.
- G. This ordinance is intended to identify a Code of Ethics for city officials, appointed officers, and city employees.

SECTION 2.

Chapter 4.02 is added to the Sacramento City Code to read as follows:

CHAPTER 4.02

CODE OF ETHICS

4.02.010 Short title.

This chapter shall be known and may be cited as the "Sacramento Code of Ethics."

4.02.020 Definitions.

For purposes of this chapter, the following definition applies:

"City employee" means any elected official, appointee to a board or commission, employee, or citizen volunteer authorized to act on behalf of the city.

4.02.030 Public trust.

- A. City employees shall treat their office or position as a public trust.
- B. The city's powers and resources shall be used for the benefit of the public rather than any city employee's personal benefit.

4.02.040 Accountability.

- A. All adopted or approved citywide policies and procedures, including the Council Rules of Procedure, will be published to the city's website.
- B. All city employee certification of completion information for required training will be published on the city's website.

4.02.050 Nepotism policy.

City employees shall comply with the citywide nepotism policy adopted or approved by city council resolution.

4.02.060 Whistleblower protection policy.

City employees shall comply with the citywide whistleblower protection policy adopted or approved by city council resolution.

4.02.070 Mandatory ethics training.

- A. The city clerk shall provide ethics training material, as required by California Assembly Bill 1234 ("AB1234"), to all newly elected and appointed city officials within 30 days of that official taking office.
- B. The city clerk shall provide AB 1234 ethics training material to all incumbent officials at least every two years.
- C. The city clerk shall regularly publish to the city's website the status of AB1234 ethics training for all elected and appointed officials.

4.02.080 Mandatory sexual harassment training.

- A. The city clerk shall provide sexual harassment training material, as required by California Assembly Bills 1825 and 1661, to all newly elected officials, appointed officials, and city employees within 30 days of taking office or becoming a city employee or volunteer.
- B. The city clerk shall provide sexual harassment training material to all newly elected officials, appointed officials, and city employees at least every two years.
- C. The city clerk shall regularly publish to the city's website the status of sexual harassment training for all city employees.

4.02.090 Political Reform Act and regulations.

- A. All city employees shall follow the Political Reform Act and Fair Political Practices Commission regulations issued thereunder, as applicable.
- B. Candidates for city elective office shall not solicit personal funds from city employees for their campaigns or committees.
- C. The city clerk shall publish to the city's website all filings of city employees required by the Political Reform Act and Fair Political Practices Commission.

4.02.100 Annual review of the Code of Ethics.

Each January, the City Clerk shall report to the city council on the operation of this chapter, and make appropriate recommendations for the amendment of this chapter. Nothing in this section precludes additional reviews and reports on this chapter throughout the year.

4.02.110 Violations.

Except for knowing and willful violations of section 4.02.050 and section 4.02.060, the violation of any provision of this chapter is not a misdemeanor or infraction. Violations may be reported to the office of compliance for investigation and appropriate action.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective:

Description/Analysis – Ethics Commission

Issue Detail: At their January 5, 2017 City Council meeting, the Council directed that the issue of an Ethics Program and Ethics Commission be scheduled for discussion by the Law and Legislation Committee and an ordinance be brought back for consideration by the full City Council in mid-February.

Background: On September 15, 2015 the City Council approved the recommendations presented by the Ad Hoc Committee resulting in adoption of the Framework of Recommendations for Good Governance and direction to the City Clerk to work with the City Attorney on the identified items.

On January 5, 2017, the City Council directed that the remaining items from the adopted Framework be scheduled for discussion by the Law and Legislation Committee for implementation which included the Ethics Code, an Ethics Commission Ordinance and updates to the current Campaign Contribution Limitations ordinance.

This ordinance was passed for publication by the City Council on March 14, 2017.

Policy Considerations: The recommendations in this report are consistent with the City Council direction to implement the remaining recommendations from the approved Framework for Good Governance in a cost-effective manner.

Financial Considerations: The estimated cost of the proposed Ethics Program including the operations of the Ethics Commission and Compliance Officer position is \$350,000. Funding of \$100,000 was included in the FY2016/17 Midyear Budget for any expenses associated with this program in the current fiscal year. The ongoing costs of this program will be included the FY2017/18 Proposed Budget. Key to full implementation of a robust program within this budget is establishing a clear scope for the program and jurisdiction for the Ethics Commission.

Economic Impacts: Not applicable.

Environmental Considerations: Not applicable.

Sustainability: Not applicable.

Commission/Committee Action: At their January 24, 2017 the Law and Legislation Committee meeting, the Committee discussed details of an Ethics Program and provided direction to assist in drafting an ordinance to establish an Ethics Commission.

Specific direction from the Committee included:

- Not to exceed a budget of \$350,000

- Focus on compliance training, education and monitoring
- Use of cost efficient methods to carryout program including: a Compliance Officer; a contract with State of California Fair Political Practices Commission to provide services to review and enforce complaints related to campaigns and behests as well as to provide clarification of campaign finance terms; and a contracted investigator to work with the Ethic Commission
- Ethics Commission jurisdiction applies to City Elected Officials, Charter Officers, City Appointed Boards & Commissions and Council appointed positions of City Auditor, City Independent Budget Analyst and City Public Safety Accountability Officer

At their February 14, 2017, the Law & Legislation Committee reviewed a draft Ethics Commission Ordinance and provided the following additional direction:

- If the contract with the FPPC for administrative enforcement of the City's campaign and behests does not occur this responsibility will default to the Ethics Commission
- Work with Common Cause, League of Women Voters and LULAC Lorenzo Patino Council No. 2862 to incorporate additional requested changes into draft ordinance including: input on retention and termination of outside contract ethics evaluator; give Ethics Commission authority to review and recommend to the Council changes to city laws concerning ethics, campaign finance, open government and lobbying; give the Commission a maximum fining authority; allow the Commission to adopt its own procedural regulations with the assistance of the City Attorney; and reduce the pre- and post-service restrictions on Ethics Commissioners applicants.
- The Committee did not support the Ethics Commission determining that certain violations of the Ethics Code constitute a misdemeanor.

Following is an Overview of the Ethics Program and its components including details on the Ethics Commission incorporated in the ordinance:

The goal of the Ethics Program is to achieve the greatest level of compliance to City codes and policies as well as applicable State law by elected officials and all city employees through training and compliance monitoring. An Oversight component will provide for investigation of complaints and enforcement of penalties when appropriate.

The proposed Ethics Program has the components of Compliance, Investigation and Oversight.

Details of scope and responsibilities for each component are below:

Office of Compliance (1.0 FTE Compliance Officer)

Training

- Provide and coordinate training relative to compliance with the Code of Ethics, Sunshine Ordinance and other city policies. Bring in outside experts (e.g. FPPC) as appropriate to assure an effective training program.
- Develop custom training programs for specific groups including City appointed Boards and Commissions, Charter Officers and Department Heads.

Monitoring

- Monitor compliance with required training (e.g. Sexual Harassment) as well as required reporting (e.g. Annual Form 700).
- Coordinate with City's Equal Employment Opportunity Office to identify joint training opportunities.

Administrative

- Administer intake of complaints through logging and tracking. Transmit complaints to Ethics Evaluator/Investigator Contractor for screening.
- Coordinate with City Auditor on applicable whistle blower hotline complaints.
- Provide support to Ethics Commission.
- In coordination with the City Auditor and Independent Budget Analyst, provide an annual report to City Council with program metrics for training, compliance and effectiveness.

Complaint Review/Investigation (Outside contracts)

Ethics Evaluator/Investigator

- Reviews complaints under the purview of the Ethics Commission
- Recommends those that warrant further investigation to Ethics Commission
- Conducts investigation and recommends appropriate penalties/action to Ethics Commission

Contract with State of California Fair Political Practices Commission

- Review and enforcement of campaign and behest related complaints
- Provide clarification of campaign finance terms (advice letters)

ETHICS COMMISSION

Scope

- As recommended by Ethics Evaluator, review and, as determined by the Commission, investigate complaints based on violations of Code of Ethics, Sunshine Ordinance, Chapter 3 (Conduct of Members) of Council Rules of Procedure, Chapter 2.15 Lobbyist Registration and Reporting Code
- Does not self-initiate complaints

- Jurisdiction: City Elected Officials, Charter Officers, City Boards & Commissions and Council appointed positions of City Auditor, City Independent Budget Analyst and City Public Safety Accountability Officer

Membership

- 5 Commissioners; 2 at-large/3 with background in law, ethics, local government or similar experience
- Require similar qualifications and post-service restrictions as were required of Redistricting Commissioners
- Applications reviewed and recommendation made by Council P&PE Committee to Mayor with confirmation by full Council
- Staggered 4-year terms/2 term limit consistent with other city boards and commissions
- Required to file annual conflict of interest disclosure and disclosure forms when selected for appointment consistent with other city boards and commissions

Administrative

- Support provided by Compliance Officer
- Provide input on selection and retention of Ethics Evaluator contractor
- Work closely with Ethics Evaluator to develop a recommended schedule of penalties for various infractions. Submit to Council for approval.
- Minimum of one training per year on ethics
- Provide input on annual list of outside legal contractors that City Attorney will use to assist City Attorney's Office in investigations
- Submit an annual report on activities of the Commission to the Council
- Every 2 years review and provide input on efficacy of FPPC contract

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE ADDING CHAPTER 2.112 TO THE SACRAMENTO CITY CODE, ESTABLISHING AN
ETHICS COMMISSION

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings and Purpose.

- A. A government ethics program begins with clear guidelines on the peoples' expectations of city officials in the conduct of city business. These guidelines are found in the city code and in adopted citywide policies. And an effective ethics program includes a training and education component. That is currently achieved through training opportunities across various departments and offices, and will be enhanced by the proposed addition of a compliance office within the city clerk's office. But a comprehensive government ethics program must also include a means to review and ensure compliance with the city code and city policies.

- B. The existence of an ethics commission will help city officials achieve the greatest level of compliance with city codes and city policies, by acting as a body that reviews, investigates, and consider complaints alleging violations of various city ethics program components.

SECTION 2.

Chapter 2.112 is added to the Sacramento City Code to read as follows:

CHAPTER 2.112

ETHICS COMMISSION

2.112.010 Commission established.

The Sacramento ethics commission is hereby established.

2.112.020 Purpose of commission.

The purpose of the commission is to review and consider complaints against elected and appointed city officials, as further described in section 2.112.030, to ensure those city officials are conforming their conduct to the city's laws and policies.

2.112.030 Powers and duties of commission.

A. Subject to subsections B and C below, the commission has the power and duty to do the following:

1. Review, investigate, and consider complaints alleging violations of:
 - (a) Section 35 of the Sacramento City Charter ("Limitation on future employment");
 - (b) Chapter 1.20 ("Code of Fair Campaign Practices");
 - (c) Chapter 2.13 ("Campaign Contribution Limitations") and chapter 2.14 ("Campaign Spending Limits and Public Campaign Financing"), if the city has not contracted with the Fair Political Practices Commission for enforcement of those chapters;
 - (d) Chapter 2.15 ("Lobbyist Registration and Reporting Code");
 - (e) Chapter 2.16 ("Conflict of Interest");
 - (f) Chapter 4.02 ("Code of Ethics")
 - (g) Chapter 4.08 ("Sunshine Ordinance"); and
 - (h) Chapter 3 ("Conduct of Members") and Rule 6.E ("Closed Sessions") of the Council Rules of Procedure.
2. Enforce administrative penalties for violations of provisions covered in subsection A.1 above, in accordance with the policy adopted pursuant to section 2.112.030.C.6. Penalties for each violation may not exceed the greater of (i) \$5000, or (ii) in the case of campaign contributions, three times the amount that the violator failed to report properly or unlawfully contributed or accepted.
3. At least annually, report to the city council regarding the activities of the commission, with recommendations, if any, regarding the subjects of its purview as described in subsection A.1.
4. Every two years, review any contract the city has with the Fair Political Practices Commission, for the purpose of reporting to the council on the contract's efficacy. The commission may also make recommendations regarding renewal of the contract.

5. Provide annual input to the city attorney on the list of law firms used by the city attorney to conduct investigations of sexual harassment claims against city officials.

6. Provide input on the initial selection of an evaluator under subsection C.4; make recommendations for subsequent contracts with an evaluator; and make recommendations regarding the retention or replacement of an evaluator.

7. Act as the screening panel for selection of independent redistricting commission candidates, as provided in article XII of the Sacramento City Charter.

B. The commission's authority under subsection A extends only to city elected officials, candidates for city elected office, independent expenditure committees, members of boards and commissions, the city manager, the city clerk, the city attorney, the city treasurer, the city auditor, the independent budget analyst, and the public safety accountability officer.

C. Complaint, Investigation, and Hearing Procedure.

1. In consultation with the city attorney, the commission shall adopt regulations and procedures for investigations and hearings to be conducted by the commission.

2. The commission's review, investigation, and consideration of complaints shall be in accordance with its adopted regulations and procedures.

3. A complaint filed with the commission may be investigated only if the complaint identifies the specific alleged violation which forms the basis for the complaint and contains sufficient facts to warrant a formal investigation.

4. The council shall cause to be retained an independent and neutral evaluator to review and investigate complaints and to make recommendations to the commission.

5. Notwithstanding anything else in this code, complaints, investigative files, and information contained therein shall be considered confidential to the maximum extent under the law, and shall not be disclosed to any person other than a respondent or respondent's representative, the city attorney or district attorney, a court, a law enforcement agency, designees of the foregoing, or otherwise as necessary to the conduct of an investigation.

6. The commission shall adopt a policy setting forth its standards for imposing penalties and exercising enforcement discretion. The evaluator shall follow that policy when making recommendations to the commission.

2.112.040 Appointment of members and qualification.

A. Appointment. The commission consists of five members. Members of the commission shall be nominated by the personnel and public employees committee and appointed by the mayor with the concurrence of a majority of the city council.

B. Qualifications.

1. Commission members shall be residents of the city. Three members shall have a background in law, ethics, local government, or similar experience.

2. The following persons are not eligible to be a commissioner:

a. A person who – or whose spouse, registered domestic partner, or child – has contributed to a candidate for city elective office, in a single city election cycle in either of the last two city election cycles preceding their date of application to be on the commission, more than 50 percent of the allowable amount for a councilmember candidate.

b. A person who – or whose spouse, registered domestic partner, or child – is or has been, within the two years immediately preceding their date of application to be on the commission, any of the following:

(i) A paid employee of the city;

(ii) A registered city lobbyist, or someone who was required to be a registered city lobbyist; or

(iii) An appointee of any local or state elected official.

c. A person who – or whose spouse, registered domestic partner, parent, sibling, or child – has been, within four years immediately preceding their date of application to be on the commission, any of the following:

(i) Elected to, or a candidate for, city elective office;

(ii) An employee of, or paid consultant or contractor to, a campaign for city elective office; or

(iii) A paid employee of, a consultant to, or someone under contract with any city elected official.

3. A commissioner shall be ineligible, during service on the commission and for a period of four years thereafter, to hold city elective office. A commissioner shall be ineligible, during services on the commission and for a period of one year thereafter, to be appointed to another city commission, to serve as paid staff for or as a paid consultant to any city elected official, to receive a non-competitively bid contract with the city, or to register as a city lobbyist.

4. While on the commission, a commissioner shall not contribute to or participate in any candidate campaign for city elective office.

C. Training. Each commissioner must receive a minimum of one training session per year on ethics, the subjects listed in section 2.112.030.A.1, and the citywide policies identified by city council resolution under section 4.02.040.A.

2.112.050 Term of office – Vacancy.

A. Except as provided in this section for the length of the terms of the initial appointees, members of the commission shall serve a term of four years. A member shall hold office until his or her successor has been appointed.

B. Terms shall be staggered. The terms of the initial appointees to the seats designated 1, 3, and 5 shall expire two years from the date of their initial appointment, with the remaining two seats having a term expiring four years from the date of initial appointment. Thereafter, all members shall be appointed to serve four-year terms.

C. No member shall serve more than two consecutive terms. The terms established for the initial appointees constitute a full term for the purpose of calculating the two consecutive term limit.

D. If a vacancy occurs during the term of any member, a successor to serve the unexpired term shall be appointed in accordance with the requirements set forth in section 2.112.040. A successor appointed to complete an unexpired term may be eligible to serve up to two consecutive terms in addition to the unexpired term in accordance with section 2.40.120.

2.112.060 Conflict of interest and financial disclosure statements.

The provisions of article III of chapter 2.16 governing conflicts of interest of board and commission members shall apply to members of the commission. In addition, all appointees to the commission are required to file statements disclosing financial interests pursuant to a conflict of interest code adopted for the commission.

2.112.070 Chairperson and organization of the commission.

At its first meeting, and annually thereafter, the commission shall elect a commission chairperson and vice chairperson from among the members. The chairperson and vice chairperson shall hold office at the pleasure of the commission. When there is a vacancy in the office of chairperson or vice chairperson, the commission shall fill that office from among the members. The commission may adopt rules and procedures for the conduct of its business and may do any other things necessary or proper to carry out its functions, which may include the formation of one or more committees. Staff support to the commission shall be provided by the city clerk's office, and one or more city employees that may be designated by the city manager.

2.112.080 Commission meetings.

The commission shall establish for itself a regular meeting schedule, with a minimum of two meetings per year. The meetings shall be noticed and held in accordance with the provisions of the Ralph M. Brown Act (California Government Code section 54950 et seq.). The commission has the authority to notice and hold special meetings in the manner specified by the Ralph M. Brown Act.

2.112.090 Quorum – Voting.

The quorum required for the commission to conduct business is three members. The affirmative vote of a majority of the members present and eligible to vote is necessary to approve any item, except that a minimum of three affirmative votes is necessary to impose a monetary penalty.

2.112.100 Compensation.

Pursuant to City Charter section 29, the compensation commission shall establish the compensation that members of the commission receive for attending commission meetings.

2.112.110 General requirements.

Unless specifically provided otherwise in this chapter, the general requirements set forth in chapter 2.40, governing the appointment of board and commission members, attendance at board and commission meetings, voting, term limits, and removal, apply to the commission. A member is subject to removal for good cause, neglect of duty, or misconduct as provided in City Charter section 232.

SECTION 3.

Section 2.40.030 of the Sacramento City Code is amended to read as follows:

2.40.030 Applicability.

The provisions of this article shall apply to persons recommended to the mayor by the personnel and public employees committee as appointees for positions on the city council and the following boards and commissions:

Administration, Investment and Fiscal Management Board of the City Retirement System

Board of Plumbing Examiners

Civil Service Board

Construction Code Board of Appeals

Ethics Commission

Housing Code Advisory and Appeals Board

Old Sacramento Variance Appeals Board

Parks and Recreation Commission (Two Seats)

Planning and Design Commission (Four Seats)

Preservation Commission

Retirement Hearing Commission

Sacramento City Public Facilities Financing Corporation

Utilities Rate Advisory Commission

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective:

RESOLUTION NO. 2017-

Adopted by the Sacramento City Council

March 21, 2017

APPROVING THE ALLOCATION OF ONE (1) FTE FOR COMPLIANCE OFFICER

BACKGROUND

- A. On January 5, 2017, the City Council adopted the Framework of Recommendations for Good Governance program which included a Code of Ethics, Ethics Commission and a Compliance Officer.
- B. On February 7, 2017, City Council approved the Fiscal Year 2016/17 Midyear Budget Report including funding to add a position and establish an Ethics/Compliance Office.
- C. On March 21, 2017, City Council approved an ordinance establishing an Ethics Commission.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Manager is authorized to add a 1.0 FTE Compliance Officer position to the City Clerk's Office.

Description/Analysis – Campaign Contribution Limitations

Issue Detail: At their January 5, 2017 City Council meeting, the Council directed that the issue of updating the City’s Campaign Finance Ordinance be scheduled for discussion by the Law and Legislation Committee and revisions to the ordinance be brought back for consideration by the full City Council in mid-February.

Background: On September 15, 2015 the City Council approved the recommendations presented by the Ad Hoc Committee resulting in adoption of the Framework of Recommendations for Good Governance and direction to the City Clerk to work with the City Attorney on the identified items.

On January 5, 2017, the City Council directed that the remaining items from the adopted Framework be scheduled for discussion by the Law and Legislation Committee for implementation which included the Code of Ethics, an Ethics Commission Ordinance and updates to the current Campaign Contribution Limitations ordinance.

This ordinance was passed for publication by the City Council on March 14, 2017.

Policy Considerations: The recommendations in this report are consistent with the City Council direction to implement the remaining recommendations from the approved Framework for Good Governance in a cost-effective manner.

Financial Considerations: No additional costs are anticipated by revisions of this ordinance.

Economic Impacts: Not applicable.

Environmental Considerations: Not applicable.

Sustainability: Not applicable.

Commission/Committee Action:

At their January 24 Law and Legislation Committee meeting, the Committee discussed an approach to amending Title 2, Chapter 2.13 Campaign Contribution Limitations as one of the remaining actions under the Framework for City Transparency and Good Governance.

Specific direction from the Committee for amending the current ordinance included:

- Clarification of off-year contributions and aggregation
- Inclusion of the Political Reform Act
- Identify opportunities to align City language with that of the State

At their February 14, 2017, the Law & Legislation Committee reviewed and approved amendments to the Campaign Limitations Ordinance recommended by staff to simplify the ordinance and align it where possible with the State's language. The Committee also approved the concept of contracting with the FPPC to provide enforcement of the ordinance along with training and advise letters. The FPPC may also recommend additional changes to the ordinance in the future.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 2.13 OF THE SACRAMENTO CITY CODE, RELATING TO CAMPAIGN CONTRIBUTION LIMITATIONS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

- A. Subsection H is added to Section 2.13.020 of the Sacramento City Code to read as follows:

H. The city is committed to ensuring that campaign contribution limitations are monitored and enforced to compel compliance.

- B. Except as provided in subsection A above, Section 2.13.020 of the Sacramento City Code remains unchanged and in full effect.

SECTION 2.

- A. The definition of "Political Reform Act" in Section 2.13.040 of the Sacramento City Code is amended to read as follows:

"Political Reform Act" or "Act" means the Political Reform Act of 1974, California Government Code section 81000 et seq., and the Regulations promulgated under the Act.

- B. Except as provided in subsection A above, Section 2.13.040 of the Sacramento City Code remains unchanged and in full effect.

SECTION 3.

- A. Subsection A of Section 2.13.050 of the Sacramento City Code is amended to read as follows:

A. Councilmembers. Contributions to candidates for the office of city councilmember shall be subject to the following limitations in addition to any limitations established by the Political Reform Act:

1. Contributions by Persons. No person shall make, and no candidate for the office of city councilmember, or a controlled committee of such candidate, or person acting by or on behalf of such candidate or such candidate's controlled committee shall accept, any contribution that would cause the total amount contributed by that person to the candidate, or to the candidate's controlled committee, to exceed \$1,650 in any of the following periods: a primary election period; a general election period; or a special election period. If the Political Reform Act establishes a lower limit for special elections, the lower limit applies.

2. Contributions by Large Political Committees. No large political committee shall make, and no candidate for the office of city council member, or a controlled committee of such controlled committee, or person acting by or on behalf of such candidate or such candidate's controlled committee shall accept, any contribution that would cause the total amount contributed by that large political committee to the candidate, or to the candidate's controlled committee, to exceed \$5,600 in any of the following periods: a primary election period; a general election period; or a special election period. If the Political Reform Act establishes a lower limit for special elections, the lower limit applies.

B. Subsection B of Section 2.13.050 of the Sacramento City Code is amended to read as follows:

B. Mayor. Contributions to candidates for the office of mayor shall be subject to the following limitations in addition to any limitations established by the Political Reform Act:

1. Contributions by Persons. No person shall make, and no candidate for the office of mayor, or a controlled committee of such candidate, or person acting by or on behalf of such candidate or such candidate's controlled committee, shall accept into the candidate's campaign contribution account, any contribution that would cause the total amount contributed by that person to the candidate, or to the candidate's controlled committee to exceed \$3,350 in any of the following periods: a primary election period; a general election period; or a special election period. If the Political Reform Act establishes a lower limit for special elections, the lower limit applies.

2. Contributions by Large Political Committees. No large political committee shall make, and no candidate for the office of mayor, or a controlled committee of the candidate or such candidate's controlled committee, or person acting by or on behalf of such candidate or such candidate's controlled committee shall accept, any contribution which would cause the total amount contributed by that large political committee to the candidate, or to the candidate's controlled committee, to exceed \$11,150 in any of the following periods: a primary election period; a general election period; or a special election period. If the Political Reform Act establishes a lower limit for special elections, the lower limit applies.

- C. Except as provided in subsections A and B above, Section 2.13.050 of the Sacramento City Code remains unchanged and in full effect.

SECTION 4.

- A. Subsection C of Section 2.13.060 of the Sacramento City Code is amended to read as follows:

- C. Notwithstanding the provisions of Section 2.13.180, a candidate shall not be deemed to be in violation of this section if he or she accepts a contribution from a person or persons that exceeds the contribution limits set forth in Section 2.13.050 because of the aggregation of contributions pursuant to subsections A and B of this section. It is the intent of this section to make contributors, and not candidates, liable for violations of this section occurring as a result of the applicability of the aggregation rules set forth in subsections A and B of this section, except where there is sufficient proof that the candidate had knowledge that the contributions must be aggregated.

- B. Except as provided in subsection A above, Section 2.13.060 of the Sacramento City Code remains unchanged and in full effect.

SECTION 5.

Section 2.13.065 of the Sacramento City Code is amended to read as follows:

- A. Candidate for City Council Position. A candidate or controlled committee of a candidate for a city council position other than mayor shall provide the following written notice:

NOTICE

Chapter 2.13 of the Sacramento City Code limits the amounts that a contributor may give to a candidate for a City Council position for a primary, general or special election. Generally, a contributor other than a large political committee may not give more than \$1,650 to a candidate for a City Council position for a primary, general or special election, while a large political committee may not give more than \$5600 to a candidate for City Council for a primary, general or special election. Chapter 2.13 contains certain other rules that may affect the amounts that an individual contributor may give. Please read Chapter 2.13 before making a contribution to my campaign.

B. Candidate for Mayoral Position. A candidate or controlled committee of a candidate for mayor shall provide the following written notice:

NOTICE

Chapter 2.13 of the Sacramento City Code limits the amounts that a contributor may give to a candidate for Mayor for a primary, general or special election. Generally, a contributor other than a large committee may not give more than \$3,350 to a candidate for Mayor for a primary, general or special election, while a large political committee may not give more than \$11,150 to a candidate for Mayor for a primary, general or special election. Chapter 2.13 contains certain other rules that may affect the amounts that an individual contributor may give. Please read Chapter 2.13 before making a contribution to my campaign.

SECTION 6.

A. Subsection A of Section 2.13.080 of the Sacramento City Code is amended to read as follows:

A. Aggregate Limits.

1. Except as provided in subsection (A)(2) of this section, the following aggregate off-election year contribution limits apply:

a. No councilmember or candidate for the city office of councilmember shall accept contributions totaling more than \$27,850 in any single off-election year.

b. No mayor or candidate for the city office of mayor shall accept contributions totaling more than \$55,750 in any single off-election year.

B. Except as provided in subsection A above, Section 2.13.080 of the Sacramento City Code remains unchanged and in full effect.

SECTION 5.

A. Subsection E of Section 2.13.085 of the Sacramento City Code is amended to read as follows:

E. No person (other than the officer or candidate) shall make, and no legal expense fund committee for an elective city officer or candidate for elective city office shall

solicit or accept, contributions from any person to a legal defense fund totaling more than \$1,100.

- B. Except as provided in subsection A above, Section 2.13.085 of the Sacramento City Code remains unchanged and in full effect.

SECTION 6.

Section 2.13.110 of the Sacramento City Code is deleted.

SECTION 7.

- A. Section 2.13.130 of the Sacramento City Code is amended to read as follows:
 - A. Whenever any elected city officer, candidate or committee is required to file California Form 460 under the Political Reform Act and Regulations with the city clerk, the information reported shall include information per election to date.
 - B. Whenever any elected city officer, candidate or committee is required to file a campaign statement under the Political Reform Act or the Regulations with the city clerk, the elected officer, candidate, or committee shall file at the same time a copy of the statement in an electronic format prescribed by the city clerk, provided that the clerk has prescribed the format at least 60 days before the statement is due. If no format has been prescribed in a timely manner, the elected city officer, a candidate or committee shall file the statement in a format suitable for electronic scanning. The provisions of this subsection shall apply only to persons or combinations of persons who qualify as a committee under Section 82013 of the Political Reform Act.
- B. Except as provided in subsection A above, Section 2.13.130 of the Sacramento City Code remains unchanged and in full effect.

SECTION 8.

- A. Section 2.13.150 of the Sacramento City Code is amended to read as follows:

Any person or organization who makes independent expenditures of more than \$5,000 in support of or in opposition to any candidate for city office shall notify the city clerk, the candidate who is the subject of the expenditure, and all other candidates of such expenditure or expenditures by email, guaranteed overnight mail through the United

States Postal Service or equivalent private delivery service, or personal delivery within 24 hours. Such notification shall be made each time this threshold of five thousand dollars \$5,000 is met. For purposes of this section, expenditures made during the primary and general election periods shall be accumulated and notice shall be given each time the \$5,000 threshold is reached, regardless of whether \$5,000 is spent in a single election period.

- B. Except as provided in subsection A above, Section 2.13.150 of the Sacramento City Code remains unchanged and in full effect.

SECTION 9.

- A. Subsection C is added to Section 2.13.160 of the Sacramento City Code to read as follows:

- C. The disclosures required by subsections A and B must be in compliance with Government Code sections 84506.5 and 84507, and any Regulations related to those sections.

- B. Except as provided in subsection A above, Section 2.13.160 of the Sacramento City Code remains unchanged and in full effect.

SECTION 10.

Section 2.13.170 of the Sacramento City Code is amended to read as follows:

The requirements of this chapter are in addition to the requirements of the Political Reform Act applicable to city candidates. Nothing in this article shall be deemed to exempt any person from complying with applicable provisions of any other laws of this state, including the Political Reform Act.

SECTION 11.

Section 2.13.195 is added to the Sacramento City Code to read as follows:

2.13.195 Authority for Fair Political Practices Commission to enforce chapter.

The city council may approve or authorize a contract between the city and the California Fair Political Practices Commission for the Fair Political Practices Commission to enforce this chapter.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective:

**STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
AND
CITY OF SACRAMENTO
CAMPAIGN LAW ENFORCEMENT AGREEMENT**

This agreement is made and entered into this 23rd day of February 2018, by and between the State of California, acting by and through the Fair Political Practices Commission, (hereinafter referred to as the "FPPC") and the City of Sacramento (hereinafter referred to as the "City").

WHEREAS, the City has determined that it is in the best interest of the City to retain the services of the FPPC to provide for the administration, implementation, and enforcement of campaign laws under Sacramento City Code, Chapter 2.13 "Campaign Contribution Limitations" (hereafter, "Chapter 2.13").

WHEREAS, the FPPC has the special skills, knowledge, experience, and expertise in the enforcement and interpretation of campaign laws necessary to effectively advise, assist, litigate, and otherwise represent the City on such matters.

WHEREAS, the FPPC is agreeable to providing for the enforcement and interpretation of campaign laws under the provisions of Chapter 2.13.

WHEREAS, the FPPC's administration, implementation, and enforcement of campaign laws under the provisions of the Chapter 2.13 is expressly authorized by California Government Code Section 83123.7.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereto agree as follows:

1. The FPPC agrees to provide the City campaign law enforcement and interpretation services for the impartial, effective administration, implementation, and enforcement of the Chapter 2.13 as dictated in paragraph 2.

2. Campaign Law Enforcement Services.

A. Auditing

The FPPC agrees to audit each candidate and his or her controlled committee for elective City office for whom it is determined that \$2,000 or more in contributions have been received or \$2,000 in expenditures have been made, whether by the candidate or a committee or committees controlled by the candidate or primarily supporting his or her candidacy. Audit periods will be determined by the FPPC to ensure comprehensive audit findings, and may include beginning audit periods beyond the date of the contract.



B. Enforcement

The FPPC agrees to serve as the civil and administrative prosecutor for violations of Chapter 2.13. The FPPC, at its sole discretion, may investigate possible violations and may commence civil and administrative actions in accordance with Title 9 of the Government Code and with Title 2, Division 3, Part 1, Chapter 5 (commencing with Section 11500) of the Government Code.

C. Advice, Education and Training

The FPPC may, in its sole discretion, provide written and/or verbal assistance to candidates for elected City offices and potential contributors in a City election regarding the provisions of Chapter 2.13 upon the request of the candidates, potential contributors, or their representatives

At least once an election cycle, the FPPC will provide an in-person seminar to review relevant process, procedures and rules for City candidates.

D. Legal Review

The FPPC may, in its sole discretion upon request from the City Attorney, conduct a legal review of Chapter 2.13, to determine its compliance with the Political Reform Act or to make recommendations for amendments. Additionally, pursuant to Government Code section 83123.7(c), the City Council will consult with the FPPC before amending Chapter 2.13.

3. The term of this Agreement is March 1, 2018, through December 31, 2019. **Services shall commence on the beginning of this term. No services shall begin before that time.**
4. The City agrees to provide the FPPC with a resolution, motion, order, or ordinance of the governing body, which authorizes execution of this Agreement, and indicating the individual who is authorized to sign the Agreement on behalf of the City.
5. The Contract Coordinators for this Agreement shall be:

Fair Political Practices Commission
Erin V. Peth, Executive Director
1102 Q Street, Suite 3000
Sacramento, CA 95811

Sacramento City
Matthew Ruyak, Assistant City Attorney
915 I Street, New City Hall, 4th Floor
Sacramento, CA 95814

6. In consideration for the above services, the City agrees to pay the FPPC \$55,000, due and payable on the execution of the agreement and at the beginning of each year of the contract term as the “floor” payment for services provided. The FPPC shall track the hours of its employees at the rates provided in sections 7 and 8 below, and shall bill those hours against the \$55,000 “floor.” The FPPC shall bill the City at the stated rates for the cost of any work exceeding the \$55,000 “floor.”
7. Pursuant to section 6, for services provided that exceed the “floor” amount, the City agrees to reimburse the FPPC upon receipt of an itemized invoice. The hourly rates used will be those established by the California Attorney General’s Office, pursuant to Government Code Section 11044, and set forth in the State Budget Letter (Price Letter) and detailed below. The City agrees to pay an increased hourly rate if these set rates, or the State reimbursement rates, are increased. It is understood by both parties that no advance written notification is necessary prior to implementing the increased rates.

<u>Classification</u>	<u>Rate per hour</u>
Attorney	\$170
Paralegal	\$120
Investigator	\$120
Program Specialist (Auditor)	\$99
Political Reform Consultant (Research Analyst)	\$99

8. Other Costs and Expenses

Ordinary costs and expenses:

The FPPC shall bill its actual costs for ordinary costs and expenses directly related to the services provided. Ordinary costs and expenses shall be limited to:

1. Court fees, including filing, judicial officer, deposition, transcript and process serving fees.
2. Travel, lodging, and meals pursuant to State reimbursement rates as necessary for FPPC employees.
3. Telephone charges, postage, photocopying/document reproduction costs, and damage to property repaired or replaced at State expense.

Extraordinary costs and expenses:

The FPPC shall bill its actual costs for extraordinary costs and expenses only upon prior approval by the City Attorney. Extraordinary costs and expenses include, but are not limited to:

1. Fees for third-party consultants, investigators, and experts including their travel, lodging, and meals.

2. Travel, lodging, and meals for witnesses.

Non-reimbursable costs and expenses: The FPPC shall not bill for non-reimbursable costs and expenses which include:

1. Rent, utilities, or computer equipment (including legal research services Westlaw or Lexis).
 2. Charges for time spent to provide necessary information for monthly billing statements, State audits, or billing inquiries.
 3. Charges for work performed for extraordinary costs and expenses not authorized by the City Attorney.
9. The FPPC shall provide quarterly billing statements for work performed under this contract. Initial authority is extended for \$100,000 of work (including the \$55,000 “floor” and up to \$45,000 of billed work) performed during the first year of the contract (date of full execution through December 31, 2018). For each year of the contract, after \$100,000 is worked/billed, additional approval shall be required by the City Manager of the City of Sacramento.
 10. Except for extraordinary costs and expenses, no advance notification is necessary for services provided within the initial authority for \$100,000 for each year of the contract.
 11. The total amount of this Agreement shall not exceed \$300,000. Services shall not be provided exceeding the original estimated hours or the total amount of this Agreement unless advance notification is provided and the additional costs are mutually agreed upon in writing.
 12. In the event this contract is cancelled or not renewed, the FPPC will provide an estimate of remaining hours necessary to complete audits already in progress to be billed at the hourly rate, and the audits may be completed upon mutual agreement.
 13. The FPPC shall provide the City with an itemized invoice detailing all FPPC costs for the administration, implementation and enforcement of Chapter 2.13 under this Agreement.
 14. Quarterly itemized invoices will be submitted to:

City of Sacramento, at the following emails:

apinvoices@cityofsacramento.org
MCuppy@cityofsacramento.org

The City agrees to pay the FPPC within thirty (30) days of the invoice date.

15. AUDIT

The City agrees that the State of California, including the Department of General Services, the Bureau of State Audits, or their designated representative, shall have the right to review and to copy all records and supporting documentation pertaining to the performance of this Agreement.

The City agrees to maintain records and supporting documentation for possible audit for a minimum of three (3) years after the final payment, unless a longer period of retention is stipulated.

The City agrees to allow auditors access to records and supporting documentation during normal business hours and to allow interviews of any employees who might reasonably have information related to the records.

The City agrees that the State of California has the same right to audit records and to interview staff in any subcontract related to the performance of this Agreement. (Government Code Section 8546.7.)

16. DISPUTES

Any dispute concerning a question of fact arising under the terms of this Agreement not disposed of within a reasonable period of time (ten days) by the parties normally responsible for the administration of this Agreement shall be brought to the attention of the Contract Coordinators for joint resolution.

17. INDEMNIFICATION

City: Pursuant to Government Code Section 895.4 and except as provided below, the City agrees to indemnify, defend (with counsel approved by the FPPC General Counsel), and hold harmless the FPPC and its authorized officers, employees, agents, and volunteers from any and all claim, actions, losses, damages, and liability arising out of the performance of this Agreement, or from the enforcement or interpretation of any provision of Chapter 2.13, from any cause whatsoever, including the acts, errors or omissions of any person and for any costs or expenses incurred by the FPPC on account of any claim except where such indemnification is prohibited by law.

FPPC: The FPPC shall indemnify, hold harmless, and defend the City and its authorized officers, employees, agency, and volunteers from any and all claims, actions losses, damages and liability arising from the FPPC's negligence or willful misconduct relating to obligations under this Agreement.

18. AMENDMENT

This Agreement may be amended by written mutual consent of the parties.

19. CANCELLATION

This Agreement may be canceled by either party at any time.

Under cancellation by either party to this Agreement, the City agrees to pay for all services provided to that date, unless the services required the City's prior approval and such approval was not granted prior to the cancellation date.

Fair Political Practices Commission
Erin V. Peth, Executive Director



Handwritten signature of Erin V. Peth in blue ink, written over a horizontal line.

City of Sacramento
Mindy Cuppy, City Clerk



Handwritten signature of Mindy Cuppy in blue ink, written over a horizontal line.

APPROVED AS TO FORM



Handwritten signature of the City Attorney in blue ink, written over a horizontal line.

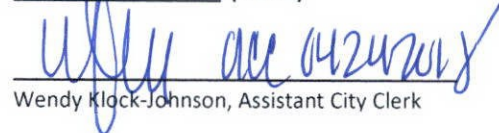
City Attorney

4-20-18

Date Signed

Attested on:

_____ (date)



Handwritten signature of Wendy Klock-Johnson in blue ink, written over a horizontal line.

Wendy Klock-Johnson, Assistant City Clerk

STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
AND

CAMPAIGN LAW ENFORCEMENT AGREEMENT

This agreement (“Agreement”) is made and entered into this ____ day of _____ 20__, by and between the State of California, acting by and through the Fair Political Practices Commission, (“FPPC”) and the _____ (“Local Agency”).

Background

The Local Agency determined it is in its best interest to retain the services of the FPPC to provide for the enforcement and interpretation of campaign laws under the provisions of the Local Agency campaign ordinance (“Local Ordinance”), governing the elective Local Agency offices, as set forth with specificity in Exhibit D, Items 1 and 2.

The FPPC has the special skills, knowledge, experience, and expertise in the enforcement and interpretation of campaign laws necessary to effectively advise, investigate, audit, and otherwise assist the Local Agency on such matters. The FPPC’s enforcement and interpretation of campaign laws under the provisions of the Local Ordinance is expressly authorized by California Government Code Section 83123.6.

The parties agree as follows:

Terms and Conditions

Exhibit A: Scope of Services

1. The FPPC agrees to provide the Local Agency with campaign law services for the impartial, effective administration, implementation, and enforcement of the Local Ordinance as dictated in paragraph 2.
2. Campaign Law Enforcement Services.

Auditing

i. The FPPC will perform audits and investigations for each candidate, and his or her controlled committee, for elective Local Agency office for whom \$2,000 or more in contributions were received or \$2,000 in expenditures were made, whether by the candidate, a committee(s) controlled by the candidate, or committee primarily supporting the candidate.

ii. The audit or investigation will cover all required campaign statements and for the primary and general election, or runoff, or special election for the following election time periods: January 1, 20__ through December 31, 20__. The audits may extend to include any transaction in connection with the election being audited or investigated. It will not include any statements or reports previously audited under Title 9 of the Government Code, Chapter 10, Sections 90001 or 90003.

iii. The FPPC will follow audit guidelines and standards as required under Government Code Section 90007.

Enforcement

The FPPC agrees to serve as the civil and administrative prosecutor for violations of the Local Ordinance. The FPPC, at its sole discretion, may investigate possible violations and may commence civil and/or administrative actions in accordance with Title 9 of the Government Code, and Title 2, Division 3, Part 1, Chapter 5 (Administrative Adjudication), Sections 11500, et seq., of the Government Code.

Campaign Compliance Assistance

The FPPC agrees to provide written and/or verbal assistance to candidates for elected Local Agency offices, and potential contributors in a Local Agency election, regarding the Local Ordinance upon the request of the candidate or potential contributor.

Campaign Compliance Training

At least once per election cycle, the FPPC will provide an in-person seminar to review relevant process, procedures and rules for Local Agency electoral candidates.

Legal Review

Upon notification and request by the Local Agency, the FPPC will review any proposed changes to the Local Ordinance for compliance with the Political Reform Act prior to adoption by the Local Agency. (Required under Government Code Section 83123.6. subdivisions (b) and (c).)

Education and Training

The FPPC will provide an initial training workshop to the Local Agency regarding the conflict of interest provisions and/or Form 700 requirements under the Political Reform Act, as it applies to the Local Agency and its officials, employees, candidates for elected Local Agency offices, and/or lobbyists. (The Political Reform Act initial training workshop is not a charged service.)

3. The term of this Agreement is the two-year election cycle period: January 1, 20__ through December 31, 20__. Services will commence on the beginning of this term, and for the elections held during this term, as indicated in paragraph (2)(A), above. Due to the nature of audits and investigations, some services may necessarily occur on dates after the stated election cycles. Services from prior contract will continue as previously determined until completed.
4. The Local Agency agrees to provide the FPPC with a resolution, motion, order, or ordinance of the governing body, which authorizes execution of this Agreement, and indicating the individual who is authorized to sign the Agreement on behalf of the Local Agency.
5. The Local Agency must consult with the FPPC prior to adopting or amending the Local Ordinance. The Local Ordinance must comply with Title 9 of the Government Code. (Government Code Section 83123.6, subdivision (b) and (c).)
6. The Contract Coordinators for this Agreement are:

<u>Fair Political Practices Commission</u>	<u>[Local Agency]</u>
Thomas Jones, Executive Director	<u>[Name and Title]</u>
1102 Q Street, Suite 3000	<u>[Mailing address]</u>
Sacramento, CA 95814	
916-322-5660	<u>[Phone]</u>
tjones@fppc.ca.gov	<u>[Email]</u>

Communications regarding this Agreement will be addressed to the Contract Coordinators unless otherwise indicated in the Agreement. Each party will update the contact information for the Contract Coordinator within 30 days of any changes.

Exhibit B: Budget Details and Payment Provisions

1. Full Cost Recovery Agreement.

In accordance with the state full cost recovery policy, the Local Agency agrees to reimburse the FPPC for its full direct and its indirect costs incurred in performing the services. The full cost of goods or services includes all costs attributable directly to the activity plus a fair share of indirect costs which can be ascribed reasonably to the good or service provided. (State Administrative Manual, Section 8752.). If the Local Agency terminates the agreement, it agrees to pay the FPPC for any other expenditures reasonably made by the FPPC in anticipation of services to be rendered pursuant to this Agreement (Gov. Code Section 83123.6 (d)(2))

2. Invoicing and Payment.

The FPPC will provide the Local Agency with an itemized quarterly invoice detailing all FPPC service hours and costs for the administration, implementation, and enforcement of the Local Ordinance under this Agreement, along with any billing statement for payments due under the Agreement.

Quarterly itemized invoices and billing statements will be submitted to:

[Local Agency]
[Local Agency Office/Title/Address]

The Local Agency agrees to pay the FPPC within thirty (30) days of the date of each quarterly invoice and billing statement.

3. Advance Payment.

A. The Local Agency agrees to pay an advance payment of [\$55,000 or adjusted amount] to the FPPC for costs to be incurred in performance of this Agreement. The Local Agency agrees to make this advance payment at the beginning of each year of the contract term.

B. Except for extraordinary costs and expenses, no advance notification is necessary for services provided for each year of the contract. The FPPC will track its expenditures made in anticipation of services to be rendered, and its services provided, and will bill first to the advance payment. Upon depletion of the advance payment, the Local Agency will pay additional reimbursement sums, if any, upon receipt of a billing statement from the FPPC.

4. Rates and Costs for Services.

A. Budget Detail.

The FPPC will bill for its services at the rates set forth below. These rates include the FPPC's direct and indirect costs related to these positions.

<u>Classification</u>	<u>Rate per hour</u>
Attorney	\$170.00
Paralegal	\$120.00
Investigator	\$125.00
Program Specialist (Auditor)	\$ 99.00
Political Reform Consultant (Research Analyst)	\$ 99.00
Executive/Supervisory Staff	\$190.00
Administrative Staff	\$ 99.00

The rates reflect the Attorney General's Office, Bulletin 17-09, and the Department of General Services Price Book, 2018-19. The Executive/Supervisory Staff and Administrative Staff rates are calculated using comparable rates from the Price Book and internal calculations in compliance with the state full cost recovery policy.

B. Necessary Changes to Rates.

In the event that the state hourly rates increase, or the state reimbursement rates increase, the Local Agency agrees to pay the appropriate increased rate applied as of the effective date of the rate increase. It is understood by both parties that no advance written notification is necessary prior to implementing the increased rates. In the event that the FPPC determines that the above hourly rates do not result in a full cost recovery for services provided in accordance with state policy, it will notify the Contract Coordinator for the Local Agency and retroactively apply the appropriate rates, after consultation with the Local Agency, to ensure the FPPC maintains the required full cost recovery.

C. Ordinary and Extraordinary Costs and Expenses.

The FPPC will bill its actual costs for ordinary costs and expenses directly related to the services provided. Ordinary costs and expenses are limited to:

1. Court fees, including filing fees, judicial officer fees, deposition fees, transcript fees, and process serving fees.
2. Administrative fees, including administrative officer fees, administrative law judge fees, hearing fees, transcript fees, and process serving fees.
3. Travel, lodging, and meals pursuant to state reimbursement rates as necessary for FPPC officers, employees, contractors, agents, and volunteers.
4. Telephone charges, postage, photocopying/document reproduction costs, and damage to property repaired or replaced at state expense.
5. Research service fees necessary to perform services.

D. Prior Approval Required.

The FPPC will bill its actual costs for extraordinary costs and expenses only upon prior approval by the Local Agency Counsel. Extraordinary costs and expenses include, but are not limited to:

1. Fees for third-party consultants, investigators, and experts including their travel, lodging, and meals.

2. Travel, lodging, and meals for witnesses.

5. Total Cost of the Agreement.

The parties anticipate that the total amount of this Agreement will not exceed [\$400,000 or adjusted amount], with an estimated budget of [\$200,000 or adjusted amount] per year. In the event this contract is canceled or is not renewed, the FPPC will provide an estimate of remaining hours necessary to complete the services already in progress, or required by this Agreement, to be billed at the hourly rate, and the services may be completed upon mutual agreement.

Exhibit C: General Terms and Conditions

1. APPROVAL. This Agreement is of no force or effect until signed by both parties. In addition, pursuant to Government Code Section 83123.6, subdivision (d), the FPPC may approve this Agreement at the earliest of 90 days after its submission to the Department of General Services (“DGS”), or after receiving DGS’s written review, whichever occurs first.
2. STATE AUDIT OF THIS AGREEMENT. The Local Agency agrees that the State of California, including but not limited to, the Department of General Services, the Bureau of State Audits, or their designated representative, shall have the right to review and to copy all records and supporting documentation pertaining to the performance of this Agreement. The Local Agency agrees to maintain records and supporting documentation for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated by the parties or required by the Bureau of State Audits. The Local Agency agrees to allow the auditor(s) access to records and supporting documentation during normal business hours and to allow interviews of any employees who might reasonably have information related to the records. Furthermore, the Local Agency agrees that the State of California has the same right to audit records and interview staff in any subcontract related to the performance of this Agreement. (Government Code Section 8546.7.) The FPPC will not bill the Local Agency for its time or costs related to a State Audit by the Department of General Services, Bureau of State Audits.
3. DISPUTES. Any dispute concerning a question of fact arising under the terms of this Agreement that is not disposed within a reasonable period of time (ten days) by the parties normally responsible for the administration of this Agreement shall be brought to the attention of the Contract Coordinators for joint resolution. The parties shall continue their responsibilities during any dispute.
4. INDEMNIFICATION. Pursuant to Government Code Section 895.4 and except as provided below, the Local Agency agrees to indemnify, defend (with counsel approved by the FPPC General Counsel), and hold harmless the FPPC and its authorized officers, employees, contractors, agents, and volunteers from any and all claims, actions, losses,

damages, and liability arising out of the performance of this Agreement, or from the enforcement or interpretation of any provision of the Local Ordinance, from any cause whatsoever, including the acts, errors, or omissions of any person and for any costs or expenses incurred by the FPPC on account of any claim except where such indemnification is prohibited by law.

The FPPC shall indemnify, hold harmless, and defend the Local Agency and its authorized officers, employees, contractors, agents, and volunteers from any and all claims, actions, losses, damages, and liability arising from the FPPC's sole negligence or willful misconduct relating to obligations under this Agreement.

5. AMENDMENT. This Agreement may be amended by written mutual consent of the parties. No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties, and approved as required. No oral understanding or agreement not incorporated in the Agreement is binding on any of the parties.
6. CANCELLATION. This Agreement may be canceled by either party, at any time, by ordinance or resolution and with an effective date of 90 days after notice is provided by the cancelling party, or other mutually agreed upon date. Notice of the cancellation shall be provided to the Contract Coordinators. In the event this Agreement is canceled by the Local Agency, the FPPC may require the Local Agency to pay for services rendered and any other expenditures reasonably made by the FPPC in anticipation of services to be rendered pursuant to the Agreement.
7. REPORT TO THE LEGISLATURE. Within thirty (30) of receipt of a written request by the FPPC, the Local Agency will provide the FPPC with items necessary for its report to the Legislature pursuant to Section 83213.6, subdivision (h), including its estimated annual cost savings, annual performance metrics, and relevant public comments submitted to the Local Agency.

Exhibit D: Special Terms

1. Local Ordinance.

The Local Ordinance subject to this Agreement consists of the following, with any noticed subsequent amendments pursuant to Exhibit A, item 5:

[Name and citation to title, division, chapter, and sections (as necessary), sample: Local Agency Ordinance, Title 1, Government and Administration, Division 2, Chapter 43, Campaign Finance Reform.]

2. Local Agency Elective Offices.

The Local Agency elective offices subject to the Local Ordinance and this Agreement are:

[sample: Supervisor

Auditor-Controller/Treasurer/Tax Collector
District Attorney
Sheriff/Coroner/Public Administrator
Local Agency Superintendent of Schools
Local Agency Assessor-Recorder-Local Agency Clerk]

Fair Political Practices Commission
Thomas Jones, Executive Director

Local Agency
[Name, Title ex: Mayor/Chair of
Council/Board of Supervisors]

Date:

Date:



Ethics Commission Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2019-01250

August 26, 2019

Discussion Item 03

Title: Review of Agreement with the Fair Political Practices Commission for Administration, Implementation, and Enforcement of Sacramento City Code Chapter 2.13 (Campaign Contribution Limits Code)

Location: Citywide

Recommendation: Review and comment on the efficacy of the City's agreement with the Fair Political Practices Commission and make recommendations regarding the renewal of the agreement.

Contact: Mindy Cuppy, MMC, City Clerk, (916) 808-5442, Office of the City Clerk

Presenter: Mindy Cuppy, MMC, City Clerk, (916) 808-5442, Office of the City Clerk

Attachments:

1-Description/Analysis

2-March 2018 Contract with the Fair Political Practices Commission

3-Local Jurisdiction Contract Template

Description/Analysis

Issue Detail: On March 21, 2017, the City Council adopted Ordinance No. 2017-0027 adding chapter 2.13 (Campaign Contribution Limits Code) to the Sacramento City Code. Among other things, chapter 2.13 authorizes the City Council to approve an agreement between the City and the California Fair Political Practices Commission (the “FPPC”) under which the FPPC enforces the chapter. The City and the FPPC entered into such an agreement in April 2018 (City Agreement No. 2018-0550); it expires on December 31, 2019.

The FPPC’s “floor” compensation under the agreement is \$55,000 a year. The FPPC tracks the hours its employees work, using specified hourly rates, and bills the City for any work that exceeds the annual floor, with total compensation capped at \$300,000. To date, the FPPC’s compensation under the agreement has not exceeded the floor.

The FPPC’s services under the agreement are limited to auditing, enforcement, advice, education and training, and legal review related to chapter 2.13. While the agreement has been in effect, the FPPC created a webpage dedicated to the City’s campaign-finance rules, appeared before the Commission, and begun audits of seven candidate committees that were active during the June 2018 election.

In 2018, the FPPC provided billing statements to the City for services received in 2018 totaling \$9,062, allocated as follows:

Legal.....	46%
Executive	20%
Enforcement.....	18%
Education	4%
IT	10%
Education	4%
Administration.....	2%

From January through June 2019, the FPPC provided billing statements to the City of Sacramento totaling \$31,655 for services in 2019 related exclusively to enforcement.

Sacramento City Code section 2.112.030 provides that the Commission has the power and duty, every two years, to review any agreement the City has with the FPPC “for the purpose of reporting to the council on the [agreement’s] efficacy.” The Commission may also make recommendations to the City Council regarding renewal of the agreement.

On August 15, 2019, the FPPC adopted a Local Jurisdiction Contract Template, a copy of which is attached for review. The current agreement with the FPPC is also attached.

Policy Considerations: The recommendation in this report is consistent with Sacramento City Code section 2.13.195 and supports the City's commitment to the integrity of the electoral process and to compliance with campaign contribution limitations.

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: Chapter 2.13 (Campaign Contribution Limits Code) was enacted to ensure that campaign contribution limitations are monitored and enforced. Renewing the agreement with the FPPC will help accomplish these purposes.

Financial Considerations: This is a two-year agreement. The annual not-to-exceed amount is \$100,000 (\$55,000 floor and up to \$45,000 of billed work annually) with total compensation capped at \$200,000. Sufficient funding exists in the City Clerk's operating budget for the first year of the agreement. Funding for the second year will be approved only if sufficient funding is available in the approved budget for that year.

Local Business Enterprise (LBE): Not applicable.

**STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
AND
CITY OF SACRAMENTO
CAMPAIGN LAW ENFORCEMENT AGREEMENT**

This agreement is made and entered into this 23rd day of February 2018, by and between the State of California, acting by and through the Fair Political Practices Commission, (hereinafter referred to as the "FPPC") and the City of Sacramento (hereinafter referred to as the "City").

WHEREAS, the City has determined that it is in the best interest of the City to retain the services of the FPPC to provide for the administration, implementation, and enforcement of campaign laws under Sacramento City Code, Chapter 2.13 "Campaign Contribution Limitations" (hereafter, "Chapter 2.13").

WHEREAS, the FPPC has the special skills, knowledge, experience, and expertise in the enforcement and interpretation of campaign laws necessary to effectively advise, assist, litigate, and otherwise represent the City on such matters.

WHEREAS, the FPPC is agreeable to providing for the enforcement and interpretation of campaign laws under the provisions of Chapter 2.13.

WHEREAS, the FPPC's administration, implementation, and enforcement of campaign laws under the provisions of the Chapter 2.13 is expressly authorized by California Government Code Section 83123.7.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereto agree as follows:

1. The FPPC agrees to provide the City campaign law enforcement and interpretation services for the impartial, effective administration, implementation, and enforcement of the Chapter 2.13 as dictated in paragraph 2.

2. Campaign Law Enforcement Services.

A. Auditing

The FPPC agrees to audit each candidate and his or her controlled committee for elective City office for whom it is determined that \$2,000 or more in contributions have been received or \$2,000 in expenditures have been made, whether by the candidate or a committee or committees controlled by the candidate or primarily supporting his or her candidacy. Audit periods will be determined by the FPPC to ensure comprehensive audit findings, and may include beginning audit periods beyond the date of the contract.



B. Enforcement

The FPPC agrees to serve as the civil and administrative prosecutor for violations of Chapter 2.13. The FPPC, at its sole discretion, may investigate possible violations and may commence civil and administrative actions in accordance with Title 9 of the Government Code and with Title 2, Division 3, Part 1, Chapter 5 (commencing with Section 11500) of the Government Code.

C. Advice, Education and Training

The FPPC may, in its sole discretion, provide written and/or verbal assistance to candidates for elected City offices and potential contributors in a City election regarding the provisions of Chapter 2.13 upon the request of the candidates, potential contributors, or their representatives

At least once an election cycle, the FPPC will provide an in-person seminar to review relevant process, procedures and rules for City candidates.

D. Legal Review

The FPPC may, in its sole discretion upon request from the City Attorney, conduct a legal review of Chapter 2.13, to determine its compliance with the Political Reform Act or to make recommendations for amendments. Additionally, pursuant to Government Code section 83123.7(c), the City Council will consult with the FPPC before amending Chapter 2.13.

3. The term of this Agreement is March 1, 2018, through December 31, 2019. **Services shall commence on the beginning of this term. No services shall begin before that time.**
4. The City agrees to provide the FPPC with a resolution, motion, order, or ordinance of the governing body, which authorizes execution of this Agreement, and indicating the individual who is authorized to sign the Agreement on behalf of the City.
5. The Contract Coordinators for this Agreement shall be:

Fair Political Practices Commission
Erin V. Peth, Executive Director
1102 Q Street, Suite 3000
Sacramento, CA 95811

Sacramento City
Matthew Ruyak, Assistant City Attorney
915 I Street, New City Hall, 4th Floor
Sacramento, CA 95814

6. In consideration for the above services, the City agrees to pay the FPPC \$55,000, due and payable on the execution of the agreement and at the beginning of each year of the contract term as the “floor” payment for services provided. The FPPC shall track the hours of its employees at the rates provided in sections 7 and 8 below, and shall bill those hours against the \$55,000 “floor.” The FPPC shall bill the City at the stated rates for the cost of any work exceeding the \$55,000 “floor.”
7. Pursuant to section 6, for services provided that exceed the “floor” amount, the City agrees to reimburse the FPPC upon receipt of an itemized invoice. The hourly rates used will be those established by the California Attorney General’s Office, pursuant to Government Code Section 11044, and set forth in the State Budget Letter (Price Letter) and detailed below. The City agrees to pay an increased hourly rate if these set rates, or the State reimbursement rates, are increased. It is understood by both parties that no advance written notification is necessary prior to implementing the increased rates.

<u>Classification</u>	<u>Rate per hour</u>
Attorney	\$170
Paralegal	\$120
Investigator	\$120
Program Specialist (Auditor)	\$99
Political Reform Consultant (Research Analyst)	\$99

8. Other Costs and Expenses

Ordinary costs and expenses:

The FPPC shall bill its actual costs for ordinary costs and expenses directly related to the services provided. Ordinary costs and expenses shall be limited to:

1. Court fees, including filing, judicial officer, deposition, transcript and process serving fees.
2. Travel, lodging, and meals pursuant to State reimbursement rates as necessary for FPPC employees.
3. Telephone charges, postage, photocopying/document reproduction costs, and damage to property repaired or replaced at State expense.

Extraordinary costs and expenses:

The FPPC shall bill its actual costs for extraordinary costs and expenses only upon prior approval by the City Attorney. Extraordinary costs and expenses include, but are not limited to:

1. Fees for third-party consultants, investigators, and experts including their travel, lodging, and meals.

2. Travel, lodging, and meals for witnesses.

Non-reimbursable costs and expenses: The FPPC shall not bill for non-reimbursable costs and expenses which include:

1. Rent, utilities, or computer equipment (including legal research services Westlaw or Lexis).
 2. Charges for time spent to provide necessary information for monthly billing statements, State audits, or billing inquiries.
 3. Charges for work performed for extraordinary costs and expenses not authorized by the City Attorney.
9. The FPPC shall provide quarterly billing statements for work performed under this contract. Initial authority is extended for \$100,000 of work (including the \$55,000 “floor” and up to \$45,000 of billed work) performed during the first year of the contract (date of full execution through December 31, 2018). For each year of the contract, after \$100,000 is worked/billed, additional approval shall be required by the City Manager of the City of Sacramento.
 10. Except for extraordinary costs and expenses, no advance notification is necessary for services provided within the initial authority for \$100,000 for each year of the contract.
 11. The total amount of this Agreement shall not exceed \$300,000. Services shall not be provided exceeding the original estimated hours or the total amount of this Agreement unless advance notification is provided and the additional costs are mutually agreed upon in writing.
 12. In the event this contract is cancelled or not renewed, the FPPC will provide an estimate of remaining hours necessary to complete audits already in progress to be billed at the hourly rate, and the audits may be completed upon mutual agreement.
 13. The FPPC shall provide the City with an itemized invoice detailing all FPPC costs for the administration, implementation and enforcement of Chapter 2.13 under this Agreement.
 14. Quarterly itemized invoices will be submitted to:

City of Sacramento, at the following emails:

apinvoices@cityofsacramento.org
MCuppy@cityofsacramento.org

The City agrees to pay the FPPC within thirty (30) days of the invoice date.

15. AUDIT

The City agrees that the State of California, including the Department of General Services, the Bureau of State Audits, or their designated representative, shall have the right to review and to copy all records and supporting documentation pertaining to the performance of this Agreement.

The City agrees to maintain records and supporting documentation for possible audit for a minimum of three (3) years after the final payment, unless a longer period of retention is stipulated.

The City agrees to allow auditors access to records and supporting documentation during normal business hours and to allow interviews of any employees who might reasonably have information related to the records.

The City agrees that the State of California has the same right to audit records and to interview staff in any subcontract related to the performance of this Agreement. (Government Code Section 8546.7.)

16. DISPUTES

Any dispute concerning a question of fact arising under the terms of this Agreement not disposed of within a reasonable period of time (ten days) by the parties normally responsible for the administration of this Agreement shall be brought to the attention of the Contract Coordinators for joint resolution.

17. INDEMNIFICATION

City: Pursuant to Government Code Section 895.4 and except as provided below, the City agrees to indemnify, defend (with counsel approved by the FPPC General Counsel), and hold harmless the FPPC and its authorized officers, employees, agents, and volunteers from any and all claim, actions, losses, damages, and liability arising out of the performance of this Agreement, or from the enforcement or interpretation of any provision of Chapter 2.13, from any cause whatsoever, including the acts, errors or omissions of any person and for any costs or expenses incurred by the FPPC on account of any claim except where such indemnification is prohibited by law.

FPPC: The FPPC shall indemnify, hold harmless, and defend the City and its authorized officers, employees, agency, and volunteers from any and all claims, actions losses, damages and liability arising from the FPPC's negligence or willful misconduct relating to obligations under this Agreement.

18. AMENDMENT


This Agreement may be amended by written mutual consent of the parties.

19. CANCELLATION

This Agreement may be canceled by either party at any time.

Under cancellation by either party to this Agreement, the City agrees to pay for all services provided to that date, unless the services required the City's prior approval and such approval was not granted prior to the cancellation date.

Fair Political Practices Commission
Erin V. Peth, Executive Director



Erin V. Peth

City of Sacramento
Mindy Cuppy, City Clerk



Mindy Cuppy

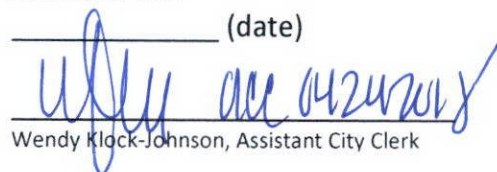
APPROVED AS TO FORM



City Attorney

4-20-18
Date Signed

Attested on:

____ (date)

Wendy Klock-Johnson, Assistant City Clerk

STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
AND

CAMPAIGN LAW ENFORCEMENT AGREEMENT

This agreement (“Agreement”) is made and entered into this ____ day of _____ 20__, by and between the State of California, acting by and through the Fair Political Practices Commission, (“FPPC”) and the _____ (“Local Agency”).

Background

The Local Agency determined it is in its best interest to retain the services of the FPPC to provide for the enforcement and interpretation of campaign laws under the provisions of the Local Agency campaign ordinance (“Local Ordinance”), governing the elective Local Agency offices, as set forth with specificity in Exhibit D, Items 1 and 2.

The FPPC has the special skills, knowledge, experience, and expertise in the enforcement and interpretation of campaign laws necessary to effectively advise, investigate, audit, and otherwise assist the Local Agency on such matters. The FPPC’s enforcement and interpretation of campaign laws under the provisions of the Local Ordinance is expressly authorized by California Government Code Section 83123.6.

The parties agree as follows:

Terms and Conditions

Exhibit A: Scope of Services

1. The FPPC agrees to provide the Local Agency with campaign law services for the impartial, effective administration, implementation, and enforcement of the Local Ordinance as dictated in paragraph 2.
2. Campaign Law Enforcement Services.

Auditing

i. The FPPC will perform audits and investigations for each candidate, and his or her controlled committee, for elective Local Agency office for whom \$2,000 or more in contributions were received or \$2,000 in expenditures were made, whether by the candidate, a committee(s) controlled by the candidate, or committee primarily supporting the candidate.

ii. The audit or investigation will cover all required campaign statements and for the primary and general election, or runoff, or special election for the following election time periods: January 1, 20__ through December 31, 20__. The audits may extend to include any transaction in connection with the election being audited or investigated. It will not include any statements or reports previously audited under Title 9 of the Government Code, Chapter 10, Sections 90001 or 90003.

iii. The FPPC will follow audit guidelines and standards as required under Government Code Section 90007.

Enforcement

The FPPC agrees to serve as the civil and administrative prosecutor for violations of the Local Ordinance. The FPPC, at its sole discretion, may investigate possible violations and may commence civil and/or administrative actions in accordance with Title 9 of the Government Code, and Title 2, Division 3, Part 1, Chapter 5 (Administrative Adjudication), Sections 11500, et seq., of the Government Code.

Campaign Compliance Assistance

The FPPC agrees to provide written and/or verbal assistance to candidates for elected Local Agency offices, and potential contributors in a Local Agency election, regarding the Local Ordinance upon the request of the candidate or potential contributor.

Campaign Compliance Training

At least once per election cycle, the FPPC will provide an in-person seminar to review relevant process, procedures and rules for Local Agency electoral candidates.

Legal Review

Upon notification and request by the Local Agency, the FPPC will review any proposed changes to the Local Ordinance for compliance with the Political Reform Act prior to adoption by the Local Agency. (Required under Government Code Section 83123.6. subdivisions (b) and (c).)

Education and Training

The FPPC will provide an initial training workshop to the Local Agency regarding the conflict of interest provisions and/or Form 700 requirements under the Political Reform Act, as it applies to the Local Agency and its officials, employees, candidates for elected Local Agency offices, and/or lobbyists. (The Political Reform Act initial training workshop is not a charged service.)

3. The term of this Agreement is the two-year election cycle period: January 1, 20__ through December 31, 20__. Services will commence on the beginning of this term, and for the elections held during this term, as indicated in paragraph (2)(A), above. Due to the nature of audits and investigations, some services may necessarily occur on dates after the stated election cycles. Services from prior contract will continue as previously determined until completed.
4. The Local Agency agrees to provide the FPPC with a resolution, motion, order, or ordinance of the governing body, which authorizes execution of this Agreement, and indicating the individual who is authorized to sign the Agreement on behalf of the Local Agency.
5. The Local Agency must consult with the FPPC prior to adopting or amending the Local Ordinance. The Local Ordinance must comply with Title 9 of the Government Code. (Government Code Section 83123.6, subdivision (b) and (c).)
6. The Contract Coordinators for this Agreement are:

Fair Political Practices Commission

[Local Agency]

Thomas Jones, Executive Director
 1102 Q Street, Suite 3000
 Sacramento, CA 95814
 916-322-5660
tjones@fppc.ca.gov

[Name and Title]
[Mailing address]
[Phone]
[Email]

Communications regarding this Agreement will be addressed to the Contract Coordinators unless otherwise indicated in the Agreement. Each party will update the contact information for the Contract Coordinator within 30 days of any changes.

Exhibit B: Budget Details and Payment Provisions

1. Full Cost Recovery Agreement.

In accordance with the state full cost recovery policy, the Local Agency agrees to reimburse the FPPC for its full direct and its indirect costs incurred in performing the services. The full cost of goods or services includes all costs attributable directly to the activity plus a fair share of indirect costs which can be ascribed reasonably to the good or service provided. (State Administrative Manual, Section 8752.). If the Local Agency terminates the agreement, it agrees to pay the FPPC for any other expenditures reasonably made by the FPPC in anticipation of services to be rendered pursuant to this Agreement (Gov. Code Section 83123.6 (d)(2))

2. Invoicing and Payment.

The FPPC will provide the Local Agency with an itemized quarterly invoice detailing all FPPC service hours and costs for the administration, implementation, and enforcement of the Local Ordinance under this Agreement, along with any billing statement for payments due under the Agreement.

Quarterly itemized invoices and billing statements will be submitted to:

[Local Agency]
[Local Agency Office/Title/Address]

The Local Agency agrees to pay the FPPC within thirty (30) days of the date of each quarterly invoice and billing statement.

3. Advance Payment.

A. The Local Agency agrees to pay an advance payment of [\$55,000 or adjusted amount] to the FPPC for costs to be incurred in performance of this Agreement. The Local Agency agrees to make this advance payment at the beginning of each year of the contract term.

B. Except for extraordinary costs and expenses, no advance notification is necessary for services provided for each year of the contract. The FPPC will track its expenditures made in anticipation of services to be rendered, and its services provided, and will bill first to the advance payment. Upon depletion of the advance payment, the Local Agency will pay additional reimbursement sums, if any, upon receipt of a billing statement from the FPPC.

4. Rates and Costs for Services.

A. Budget Detail.

The FPPC will bill for its services at the rates set forth below. These rates include the FPPC's direct and indirect costs related to these positions.

<u>Classification</u>	<u>Rate per hour</u>
Attorney	\$170.00
Paralegal	\$120.00
Investigator	\$125.00
Program Specialist (Auditor)	\$ 99.00
Political Reform Consultant (Research Analyst)	\$ 99.00
Executive/Supervisory Staff	\$190.00
Administrative Staff	\$ 99.00

The rates reflect the Attorney General's Office, Bulletin 17-09, and the Department of General Services Price Book, 2018-19. The Executive/Supervisory Staff and Administrative Staff rates are calculated using comparable rates from the Price Book and internal calculations in compliance with the state full cost recovery policy.

B. Necessary Changes to Rates.

In the event that the state hourly rates increase, or the state reimbursement rates increase, the Local Agency agrees to pay the appropriate increased rate applied as of the effective date of the rate increase. It is understood by both parties that no advance written notification is necessary prior to implementing the increased rates. In the event that the FPPC determines that the above hourly rates do not result in a full cost recovery for services provided in accordance with state policy, it will notify the Contract Coordinator for the Local Agency and retroactively apply the appropriate rates, after consultation with the Local Agency, to ensure the FPPC maintains the required full cost recovery.

C. Ordinary and Extraordinary Costs and Expenses.

The FPPC will bill its actual costs for ordinary costs and expenses directly related to the services provided. Ordinary costs and expenses are limited to:

1. Court fees, including filing fees, judicial officer fees, deposition fees, transcript fees, and process serving fees.
2. Administrative fees, including administrative officer fees, administrative law judge fees, hearing fees, transcript fees, and process serving fees.
3. Travel, lodging, and meals pursuant to state reimbursement rates as necessary for FPPC officers, employees, contractors, agents, and volunteers.
4. Telephone charges, postage, photocopying/document reproduction costs, and damage to property repaired or replaced at state expense.
5. Research service fees necessary to perform services.

D. Prior Approval Required.

The FPPC will bill its actual costs for extraordinary costs and expenses only upon prior approval by the Local Agency Counsel. Extraordinary costs and expenses include, but are not limited to:

1. Fees for third-party consultants, investigators, and experts including their travel, lodging, and meals.

2. Travel, lodging, and meals for witnesses.

5. Total Cost of the Agreement.

The parties anticipate that the total amount of this Agreement will not exceed [\$400,000 or adjusted amount], with an estimated budget of [\$200,000 or adjusted amount] per year. In the event this contract is canceled or is not renewed, the FPPC will provide an estimate of remaining hours necessary to complete the services already in progress, or required by this Agreement, to be billed at the hourly rate, and the services may be completed upon mutual agreement.

Exhibit C: General Terms and Conditions

1. APPROVAL. This Agreement is of no force or effect until signed by both parties. In addition, pursuant to Government Code Section 83123.6, subdivision (d), the FPPC may approve this Agreement at the earliest of 90 days after its submission to the Department of General Services (“DGS”), or after receiving DGS’s written review, whichever occurs first.
2. STATE AUDIT OF THIS AGREEMENT. The Local Agency agrees that the State of California, including but not limited to, the Department of General Services, the Bureau of State Audits, or their designated representative, shall have the right to review and to copy all records and supporting documentation pertaining to the performance of this Agreement. The Local Agency agrees to maintain records and supporting documentation for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated by the parties or required by the Bureau of State Audits. The Local Agency agrees to allow the auditor(s) access to records and supporting documentation during normal business hours and to allow interviews of any employees who might reasonably have information related to the records. Furthermore, the Local Agency agrees that the State of California has the same right to audit records and interview staff in any subcontract related to the performance of this Agreement. (Government Code Section 8546.7.) The FPPC will not bill the Local Agency for its time or costs related to a State Audit by the Department of General Services, Bureau of State Audits.
3. DISPUTES. Any dispute concerning a question of fact arising under the terms of this Agreement that is not disposed within a reasonable period of time (ten days) by the parties normally responsible for the administration of this Agreement shall be brought to the attention of the Contract Coordinators for joint resolution. The parties shall continue their responsibilities during any dispute.
4. INDEMNIFICATION. Pursuant to Government Code Section 895.4 and except as provided below, the Local Agency agrees to indemnify, defend (with counsel approved by the FPPC General Counsel), and hold harmless the FPPC and its authorized officers, employees, contractors, agents, and volunteers from any and all claims, actions, losses,

damages, and liability arising out of the performance of this Agreement, or from the enforcement or interpretation of any provision of the Local Ordinance, from any cause whatsoever, including the acts, errors, or omissions of any person and for any costs or expenses incurred by the FPPC on account of any claim except where such indemnification is prohibited by law.

The FPPC shall indemnify, hold harmless, and defend the Local Agency and its authorized officers, employees, contractors, agents, and volunteers from any and all claims, actions, losses, damages, and liability arising from the FPPC's sole negligence or willful misconduct relating to obligations under this Agreement.

5. AMENDMENT. This Agreement may be amended by written mutual consent of the parties. No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties, and approved as required. No oral understanding or agreement not incorporated in the Agreement is binding on any of the parties.
6. CANCELLATION. This Agreement may be canceled by either party, at any time, by ordinance or resolution and with an effective date of 90 days after notice is provided by the cancelling party, or other mutually agreed upon date. Notice of the cancellation shall be provided to the Contract Coordinators. In the event this Agreement is canceled by the Local Agency, the FPPC may require the Local Agency to pay for services rendered and any other expenditures reasonably made by the FPPC in anticipation of services to be rendered pursuant to the Agreement.
7. REPORT TO THE LEGISLATURE. Within thirty (30) of receipt of a written request by the FPPC, the Local Agency will provide the FPPC with items necessary for its report to the Legislature pursuant to Section 83213.6, subdivision (h), including its estimated annual cost savings, annual performance metrics, and relevant public comments submitted to the Local Agency.

Exhibit D: Special Terms

1. Local Ordinance.

The Local Ordinance subject to this Agreement consists of the following, with any noticed subsequent amendments pursuant to Exhibit A, item 5:

[Name and citation to title, division, chapter, and sections (as necessary), sample: Local Agency Ordinance, Title 1, Government and Administration, Division 2, Chapter 43, Campaign Finance Reform.]

2. Local Agency Elective Offices.

The Local Agency elective offices subject to the Local Ordinance and this Agreement are:

[sample: Supervisor

Auditor-Controller/Treasurer/Tax Collector
District Attorney
Sheriff/Coroner/Public Administrator
Local Agency Superintendent of Schools
Local Agency Assessor-Recorder-Local Agency Clerk]

Fair Political Practices Commission
Thomas Jones, Executive Director

Local Agency
[Name, Title ex: Mayor/Chair of
Council/Board of Supervisors]

Date:

Date:



Ethics Commission Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2020-00872

August 24, 2020

Consent Item 04

Title: State of California Fair Political Practices Commission Audit Findings of Campaign Committees from the June 2018 Election

Location: Citywide

Recommendation: Receive and file.

Contact: Mindy Cuppy, MMC, City Clerk, (916) 808-5442, Office of the City Clerk.

Presenter: None.

Attachments:

1-Description/Analysis

2-Consolidated Audit Reports

Description/Analysis

Issue Detail: Under City Agreement No. 2018-0550, the City retained the State of California Fair Political Practices Commission (FPPC) to administer, implement, and enforce the City's Campaign Contribution Limits Code, set forth in Sacramento City Code chapter 2.13. Under this agreement, the FPPC audited each candidate for elective City office (and the candidate's controlled committee) for whom \$2,000 in expenditures were made, whether by the candidate or by a committee or committees controlled by the candidate or primarily supporting his or her candidacy. The following committees were audited:

- Angelique Ashby for City Council 2014 ID# 1328332
- Angelique Ashby for City Council 2018 ID# 1368431
- Gabriell Garcia for City Council 2018 ID#1403045
- Jeff Harris for City Council 2018 ID# 1381344
- Jeff Harris, Harris for City Council 2014 ID# 1360063
- Rick Jennings for City Council 2014 ID# 1359899
- Rick Jennings for City Council 2018 ID# 1367862
- Schenirer for City Council 2018 ID# 1367864
- Committee to Elect Tamika L'Ecluse for City Council 2018 ID# 1399491
- Tristan Brown for City Council 2018 ID#1398051

In all 10 audits, the FPPC opinion concluded as follows:

“The filers, in our opinion, have substantially complied with the disclosure and recordkeeping provisions of the Political Reform Act (Government Code Section 8100 et seq.), related rules and regulations of the Fair Political Practices Commission, and the City of Sacramento Campaign Finance Ordinance.”

Policy Considerations: None.

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: This report provides an update on the audit results conducted for the June 2018 election.

Financial Considerations: The agreement obligated the City to pay the FPPC a minimum of \$110,000 to audit the 10 committees (\$55,000 for each year). In comparison, the FPPC's actual billable hours totaled only \$9,062 in 2018 and \$31,655.25 in 2019.

Local Business Enterprise (LBE): None.



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street, Suite 3000
Sacramento, CA 95811
(916) 322-5660

CONSOLIDATED AUDIT REPORT:

Angelique Ashby
Angelique Ashby for City Council 2014 (ID# 1328332)
2121 Natomas Crossing #264
Sacramento, CA 95834

January 1, 2017 through June 30, 2018

TREASURER

Angelique Ashby

ASSISTANT TREASURER:

Shawnda Deane
Deane & Company
1787 Tribute Road, Suite K
Sacramento, CA 95815

CONTRIBUTIONS AND EXPENDITURES:

Total Contributions Received:	\$0
Total Expenditures:	\$19,642

The totals for contributions received and expenditures were taken from the unaudited campaign statements as filed with the Sacramento City Clerk's Office for the period indicated above.

BACKGROUND INFORMATION:

The Committee was controlled by Sacramento City Council Member, District 1, Angelique Ashby. Ms. Ashby was re-elected in the Primary Election held on June 5, 2018. The committee terminated effective April 1, 2019.

AUTHORITY FOR AUDIT:

This audit was conducted under the authority of Section 83123.7 of the California Government Code and the City of Sacramento Campaign Law Enforcement Agreement.

SCOPE OF AUDIT:

The audit was performed in accordance with generally accepted auditing standards and the auditing standards set by the Fair Political Practices Commission. The audit included such tests of the accounting records and other such auditing procedures as were considered necessary in the circumstances.

OPINION:

The filers, in our opinion, have substantially complied with the disclosure and recordkeeping provisions of the Political Reform Act (Government Code Section 81000 et seq.), related rules and regulations of the Fair Political Practices Commission, and the City of Sacramento Campaign Finance Ordinance.

Prepared by the Fair Political Practices Commission pursuant to Section 83123.7 of the Government Code and the City of Sacramento Campaign Law Enforcement Agreement.
Adopted this 14th day of February 2020.



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street, Suite 3000
Sacramento, CA 95811
(916) 322-5660

CONSOLIDATED AUDIT REPORT:

Angelique Ashby
Angelique Ashby for City Council 2018 (ID#1368431)
2121 Natomas Crossing #264
Sacramento, CA 95834

January 1, 2017 through June 30, 2018

TREASURER:

Angelique Ashby

ASSISTANT TREASURER:

Shawnda Deane
1787 Tribute Road, Suite K
Sacramento, CA 95815

CONTRIBUTIONS AND EXPENDITURES:

Total Contributions Received:	\$113,958
Total Expenditures:	\$20,054

The totals for contributions received and expenditures were taken from the unaudited campaign statements as filed with the Sacramento City Clerk's Office for the period indicated above.

BACKGROUND INFORMATION:

The Committee is controlled by Sacramento City Council Member, District 1, Angelique Ashby. Ms. Ashby was re-elected in the Primary Election held on June 5, 2018.

AUTHORITY FOR AUDIT:

This audit was conducted under the authority of Section 83123.7 of the California Government Code and the City of Sacramento Campaign Law Enforcement Agreement.

SCOPE OF AUDIT:

The audit was performed in accordance with generally accepted auditing standards and the auditing standards set by the Fair Political Practices Commission. The audit included such tests of the accounting records and other such auditing procedures as were considered necessary in the circumstances.

OPINION:

The filers, in our opinion, have substantially complied with the disclosure and recordkeeping provisions of the Political Reform Act (Government Code Section 81000 et seq.), related rules and regulations of the Fair Political Practices Commission, and the City of Sacramento Campaign Finance Ordinance.

Prepared by the Fair Political Practices Commission pursuant to Section 83123.7 of the Government Code and the City of Sacramento Campaign Law Enforcement Agreement.
Adopted this 14th day of February 2020.



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street, Suite 3000
Sacramento, CA 95811
(916) 322-5660

CONSOLIDATED AUDIT REPORT:

Gabriell Garcia
Gabriell Garcia for City Council 2018 (ID#1403045)
5429 Madison Avenue
Sacramento, CA 95841

January 1, 2018 through June 30, 2018

TREASURER:

Denise Lewis
River City Business Services
5429 Madison Avenue
Sacramento, CA 95841

CONTRIBUTIONS AND EXPENDITURES:

Total Contributions Received:	\$7,424
Total Expenditures:	\$7,997

The totals for contributions received and expenditures were taken from the unaudited campaign statements as filed with the Sacramento City Clerk's Office for the period indicated above.

BACKGROUND INFORMATION:

The Committee is controlled by Gabriell Garcia, a candidate for Sacramento City Council, District 1, in the Primary Election held on June 5, 2018.

AUTHORITY FOR AUDIT:

This audit was conducted under the authority of Section 83123.7 of the California Government Code and the City of Sacramento Campaign Law Enforcement Agreement.

SCOPE OF AUDIT:

The audit was performed in accordance with generally accepted auditing standards and the auditing standards set by the Fair Political Practices Commission. The audit included such tests of the accounting records and other such auditing procedures as were considered necessary in the circumstances.

OPINION:

The filers have, in our opinion, substantially complied with the disclosure and recordkeeping provisions of the Political Reform Act (Government Code Section 81000 et seq.), related rules and regulations of the Fair Political Practices Commission, and the City of Sacramento Campaign Finance Ordinance.

Prepared by the Fair Political Practices Commission pursuant to Section 83123.7 of the Government Code and the City of Sacramento Campaign Law Enforcement Agreement.
Adopted this 10th day of January 2020.



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street, Suite 3000
Sacramento, CA 95811
(916) 322-5660

AUDIT REPORT:

Jeff Harris
Jeff Harris for City Council 2014 (1360063)
5429 Madison Avenue
Sacramento, CA 95841

January 1, 2015 through April 13, 2016

TREASURER

Rita Copeland
River City Business Services
5429 Madison Avenue
Sacramento, CA 95841

CONTRIBUTIONS AND EXPENDITURES:

Total Contributions Received:	\$6,396
Total Expenditures:	\$6,046

The totals for contributions received and expenditures were taken from the unaudited campaign statements as filed with the Sacramento City Clerk's Office for the period indicated above.

BACKGROUND INFORMATION:

The Committee was controlled by City Council Member, District 3, Jeff Harris. Mr. Harris was re-elected in the Primary Election held on June 5, 2018. The Committee terminated effective April 13, 2016.

AUTHORITY FOR AUDIT:

This audit was conducted under the authority of Section 83123.7 of the California Government Code and the City of Sacramento Campaign Law Enforcement Agreement.

SCOPE OF AUDIT:

The audit was performed in accordance with generally accepted auditing standards and the auditing standards set by the Fair Political Practices Commission. The audit included such tests of the accounting records and other such auditing procedures as were considered necessary in the circumstances.

OPINION:

The filers, in our opinion, have substantially complied with the disclosure and recordkeeping provisions of the Political Reform Act (Government Code Section 81000 et seq.), related rules and regulations of the Fair Political Practices Commission, and the City of Sacramento Campaign Finance Ordinance.

Prepared by the Fair Political Practices Commission pursuant to Section 83123.7 of the Government Code and the City of Sacramento Campaign Law Enforcement Agreement.
Adopted this 19th day of February 2020.



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street, Suite 3000
Sacramento, CA 95811
(916) 322-5660

CONSOLIDATED AUDIT REPORT:

Jeff Harris
Jeff Harris for City Council 2018 (1381344)
5308 Callister Avenue
Sacramento, CA 95819

January 1, 2015 to June 30, 2018

TREASURER:

Rita Copeland
River City Business Services
5429 Madison Avenue
Sacramento, CA 95841

CONTRIBUTIONS AND EXPENDITURES:

Total Contributions Received:	\$89,996
Total Expenditures:	\$49,622

The totals for contributions received and expenditures were taken from the unaudited campaign statements as filed with the Sacramento City Clerk's Office for the period indicated above.

BACKGROUND INFORMATION:

The Committee is controlled by City Council Member, District 3, Jeff Harris. Mr. Harris was re-elected in Primary Election held on June 5, 2018.

AUTHORITY FOR AUDIT:

This audit was conducted under the authority of Section 83123.7 of the California Government Code and the City of Sacramento Campaign Law Enforcement Agreement.

SCOPE OF AUDIT:

The audit was performed in accordance with generally accepted auditing standards and the auditing standards set by the Fair Political Practices Commission. The audit included such tests of the accounting records and other such auditing procedures as were considered necessary in the circumstances.

OPINION:

The filers, in our opinion, have substantially complied with the disclosure and recordkeeping provisions of the Political Reform Act (Government Code Section 81000 et seq.), related rules and regulations of the Fair Political Practices Commission, and the City of Sacramento Campaign Finance Ordinance.

Prepared by the Fair Political Practices Commission pursuant to Section 83123.7 of the Government Code and the City of Sacramento Campaign Law Enforcement Agreement. Adopted this 19th day of February 2020.



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street, Suite 3000
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CONSOLIDATED AUDIT REPORT:

Rick Jennings
Rick Jennings for City Council 2014 (ID#1359899)
6499 Park Riviera Way
Sacramento, CA 95831

January 1, 2015 through December 31, 2016

TREASURER:

Shawnda Deane
Deane & Company
1787 Tribute Rd. Suite K
Sacramento, CA 95815

CONTRIBUTIONS AND EXPENDITURES:

Total Contributions Received:	\$11,095
Total Expenditures:	\$ 6,750

The totals for contributions received and expenditures were taken from the unaudited campaign statements as filed with the Sacramento City Clerk's Office for the period indicated above.

BACKGROUND INFORMATION:

The Committee was controlled by Sacramento City Council Member, District 7, Rick Jennings. Mr. Jennings was re-elected in the Primary Election held on June 5, 2018. The Committee terminated effective December 31, 2016.

AUTHORITY FOR AUDIT:

This audit was conducted under the authority of Section 83123.7 of the California Government Code and the City of Sacramento Campaign Law Enforcement Agreement.

SCOPE OF AUDIT:

The audit was performed in accordance with generally accepted auditing standards and the auditing standards set by the Fair Political Practices Commission. The audit included such tests of the accounting records and other such auditing procedures as were considered necessary in the circumstances.

OPINION:

Except as indicated in this audit report, the filers have, in our opinion, substantially complied with the disclosure and recordkeeping provisions of the Political Reform Act (Government Code Section 81000 et seq.), related rules and regulations of the Fair Political Practices Commission, and the City of Sacramento Campaign Finance Ordinance.

CONTRIBUTIONS RECEIVED

Contributions received of \$100 or more, transferred from the Rick Jennings for City Council 2018 Committee to the Rick Jennings for City Council 2014 Committee totaling \$3,151, were not itemized on the Form 460 Semi-annual Statement filed for the period ending December 31, 2016. Instead, the transferred contributions of \$3,151 were disclosed as unitemized contributions received on the Form 460 Semi-annual Statement for the period ending December 31, 2016. An amended Form 460 Semi-annual Statement for the period ending December 31, 2016, was filed on December 10, 2019, to correct and itemize the transferred contributions of \$3,151.

Reference Exhibit A

Ms. Deane stated that due to a data entry issue in their NetFile database, all of the contributions for the allocation transfer did not itemize and only those transferred contributions for the current report period ended up itemizing on the report. It was an unintentional error and the process is being corrected so that it does not happen in the future.

Prepared by the Fair Political Practices Commission pursuant to Section 83123.7 of the Government Code and the City of Sacramento Campaign Law Enforcement Agreement.
Adopted this 21st day of February 2020.

**EXHIBIT A-MONETARY CONTRIBUTIONS RECEIVED TRANSFERRED AND NOT
ITEMIZED ON THE SEMI-ANNUAL STATEMENT FILED FOR THE PERIOD
ENDING DECEMBER 31, 2016**

<u>Date of Contribution</u>	<u>Contributor</u>	<u>Amount</u>
08/18/2014	Patricia Aguiar	\$ 250
09/02/2014	D & S Development, Inc.	300
10/09/2014	American Sikh PAC (ID #1347741)	501
10/18/2014	Encore McKinley Village, LLC	1,600
11/18/2014	Mo Capital Nursery	<u>500</u>
	Total	\$ 3,151



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street, Suite 3000
Sacramento, CA 95811
(916) 322-5660

CONSOLIDATED AUDIT REPORT:

Rick Jennings
Rick Jennings for City Council 2018 (ID#1367862)
6499 Park Riviera Way
Sacramento, CA 95831

January 1, 2015 through June 30, 2018

TREASURER:

Shawnda Deane
Deane & Company
1787 Tribute Rd. Suite K
Sacramento, CA 95815

CONTRIBUTIONS AND EXPENDITURES:

Total Contributions Received:	\$159,983
Total Expenditures:	\$163,286

The totals for contributions received and expenditures were taken from the unaudited campaign statements as filed with the Sacramento City Clerk's Office for the period indicated above.

BACKGROUND INFORMATION:

The Committee was controlled by Sacramento City Council Member, District 7, Rick Jennings. Mr. Jennings was re-elected in the Primary Election held on June 5, 2018. The Committee terminated effective October 2, 2019.

AUTHORITY FOR AUDIT:

This audit was conducted under the authority of Section 83123.7 of the California Government Code and the City of Sacramento Campaign Law Enforcement Agreement.

SCOPE OF AUDIT:

The audit was performed in accordance with generally accepted auditing standards and the auditing standards set by the Fair Political Practices Commission. The audit included such tests of the accounting records and other such auditing procedures as were considered necessary in the circumstances.

OPINION:

The filers have, in our opinion, substantially complied with the disclosure and recordkeeping provisions of the Political Reform Act (Government Code Section 81000 et seq.), related rules and regulations of the Fair Political Practices Commission, and the City of Sacramento Campaign Finance Ordinance.

Prepared by the Fair Political Practices Commission pursuant to Section 83123.7 of the Government Code and the City of Sacramento Campaign Law Enforcement Agreement.
Adopted this 21st day of February 2020.



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street, Suite 3000
Sacramento, CA 95811
(916) 322-5660

CONSOLIDATED AUDIT REPORT:

Jay Schenirer
Schenirer for City Council 2018 (1367864)
1787 Tribute Road, Suite K
Sacramento, CA 95815

January 1, 2014 through June 30, 2018

TREASURER:

Jay Schenirer

ASSISTANT TREASURER:

Shawnda Deane
Deane & Company
1787 Tribute Road, Suite K
Sacramento, CA 95815

CONTRIBUTIONS AND EXPENDITURES:

Total Contributions Received:	\$193,323
Total Expenditures:	\$173,018

The totals for contributions received and expenditures were taken from the unaudited campaign statements as filed with the Sacramento City Clerk's Office for the period indicated above.

BACKGROUND INFORMATION:

The Committee was controlled by Jay Schenirer, Sacramento City Council Member, District 5. Mr. Schenirer was re-elected in the Primary Election held on June 5, 2018. The Committee terminated effective October 18, 2019.

AUTHORITY FOR AUDIT:

This audit was conducted under the authority of Section 83123.7 of the California Government Code and the City of Sacramento Campaign Law Enforcement Agreement.

SCOPE OF AUDIT:

The audit was performed in accordance with generally accepted auditing standards and the auditing standards set by the Fair Political Practices Commission. The audit included such tests of the accounting records and other such auditing procedures as were considered necessary in the circumstances.

OPINION:

The filers have, in our opinion, substantially complied with the disclosure and recordkeeping provisions of the Political Reform Act (Government Code Section 81000 et seq.), related rules and regulations of the Fair Political Practices Commission, and the City of Sacramento Campaign Finance Ordinance.

Prepared by the Fair Political Practices Commission pursuant to Section 83123.7 of the Government Code and the City of Sacramento Campaign Law Enforcement Agreement.
Adopted this 15th of April 2020.



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street, Suite 3000
Sacramento, CA 95811
(916) 322-5660

CONSOLIDATED AUDIT REPORT:

Tamika L'Ecluse
Committee to Elect Tamika L'Ecluse for City Council 2018 (1399491)
2200-B Douglas Blvd., Ste. 140
Roseville, CA 95661

January 1, 2017 through September 30, 2018

TREASURERS:

Chelsea Johnson
CJ & Associates, Inc.
2200-B Douglas Blvd., Ste. 140
Roseville, CA 95661

Jerry Attebery (01/01/17 – 06/30/18)
2200-B Douglas Blvd., Ste. 140
Roseville, CA 95661

CONTRIBUTIONS AND EXPENDITURES:

Total Contributions Received:	\$48,159
Total Expenditures:	\$48,209

The totals for contributions received and expenditures were taken from the unaudited campaign statements as filed with the Sacramento City Clerk's Office for the period indicated above.

BACKGROUND INFORMATION:

The Committee was controlled by Tamika L'Ecluse, a candidate for Sacramento City Council, District 5, in the Primary Election held on June 5, 2018. The Committee terminated effective September 30, 2018.

AUTHORITY FOR AUDIT:

This audit was conducted under the authority of Section 83123.7 of the California Government Code and the City of Sacramento Campaign Law Enforcement Agreement.

SCOPE OF AUDIT:

The audit was performed in accordance with generally accepted auditing standards and the auditing standards set by the Fair Political Practices Commission. The audit included such tests of the accounting records and other such auditing procedures as were considered necessary in the circumstances.

OPINION:

The filers have, in our opinion, substantially complied with the disclosure and recordkeeping provisions of the Political Reform Act (Government Code Section 81000 et seq.), related rules and regulations of the Fair Political Practices Commission, and the City of Sacramento Campaign Finance Ordinance.

Prepared by the Fair Political Practices Commission pursuant to Section 83123.7 of the Government Code and the City of Sacramento Campaign Law Enforcement Agreement.
Adopted this 15th of April 2020.



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street, Suite 3000
Sacramento, CA 95811
(916) 322-5660

CONSOLIDATED AUDIT REPORT:

Tristan Brown
Tristan Brown for City Council 2018 (1398051)
5429 Madison Avenue
Sacramento, CA 95841

January 1, 2017 through June 30, 2018

TREASURER:

Rita Copeland
River City Business Services
5429 Madison Avenue
Sacramento, CA 95841

ASSISTANT TREASURER:

Denise Lewis
5429 Madison Avenue
Sacramento, CA 95841

CONTRIBUTIONS AND EXPENDITURES:

Total Contributions Received: \$51,537

Total Expenditures: \$54,099

The totals for contributions received and expenditures were taken from the unaudited campaign statements as filed with the Sacramento City Clerk's Office for the period indicated above.

BACKGROUND INFORMATION:

The Committee was controlled by Tristan Brown, a candidate for Sacramento City Council, District 7, in the Primary Election held on June 5, 2018. The Committee terminated effective December 31, 2019. Page 23 of 24

AUTHORITY FOR AUDIT:

This audit was conducted under the authority of Section 83123.7 of the California Government Code and the City of Sacramento Campaign Law Enforcement Agreement.

SCOPE OF AUDIT:

The audit was performed in accordance with generally accepted auditing standards and the auditing standards set by the Fair Political Practices Commission. The audit included such tests of the accounting records and other such auditing procedures as were considered necessary in the circumstances.

OPINION:

The filers have, in our opinion, substantially complied with the disclosure and recordkeeping provisions of the Political Reform Act (Government Code Section 81000 et seq.), related rules and regulations of the Fair Political Practices Commission, and the City of Sacramento Campaign Finance Ordinance.

Prepared by the Fair Political Practices Commission pursuant to Section 83123.7 of the Government Code and the City of Sacramento Campaign Law Enforcement Agreement.
Adopted this 15th of April 2020.