

City of Sacramento

Legislation Text

File #: 2019-00222, **Version:** 1

Title:
Ethics Commission Settlement Procedures

File ID: 20189-00222

Location: Citywide

Recommendation:

Review and approve [Pass a Motion approving](#) the Draft Sacramento Ethics Commission Settlement Procedures.

Contact: Kevin Greene, Government Ethics and Transparency Administrator, (916) 808-7267, Office of the City Clerk

Presenter: Kevin Greene, Government Ethics and Transparency Administrator, (916) 808-7267, Office of the City Clerk

Attachments:

1-Description/Analysis

2-Draft Ethics Commission Settlement Procedures

Description/Analysis

Issue Detail: The Sacramento Ethics Commission (Commission) seeks to adopt, [in accordance with City Code § 2.112.030.C.\(2\)](#), the following procedures applicable to the Settlement of [for settling Complaints submitted](#) causes of action brought forward to the Commission under the authority granted to the Commission by City Code § 2.112.030(C)(2).

These procedures [\(1\)](#) are intended to ensure a fair, just, and timely process for the resolution of ethics [cComplaints submitted](#) to the Commission by creating a clear process for entering [into](#) settlement negotiations; and [\(2\) are intended](#) to ensure timely enforcement and [cComplaint](#) resolution; and [\(3\)](#) . These procedures apply to alleged violations of any of the codes, regulations, and rules [City Charter and City Code provisions list](#) specified in City Code § 2.112.030.A.1.

Settlement negotiations and settlement of pending matters may occur at any time after the Administrator has determined that a cComplaint falls within the Commission's jurisdiction of the Sacramento Commission. The Administrator or the Independent Evaluator, as appropriate, will conduct aAll settlement negotiations shall be conducted on behalf of the Commission's behalf by the Administrator and/or the Independent Evaluator.

To encourage settlements, the Administrator or Independent Evaluator may propose a reduction of penalties when mitigating circumstances are present and a the rRespondent agrees to settlement prior tobefore the issuance of a probable -cause determination.

A settlement shall will not become effective until approved by a majority of the Commission. Upon approval by the Commission, the settlement will be publicly announced.

If the Commission rejects a settlement is rejected by the commission, the related negotiated settlement agreement is null and void, and the matter either continues either through the administrative -hearing process or through staff may reengageing in negotiations with the rRespondent(s).

Policy Considerations: None

Economic Impacts: None

Environmental Considerations: None

Sustainability: None

Commission/Committee Action: The proposed Ssettlement Pprocedures were reviewed by a Commission subcommittee comprising composed of Commissioners Moylan and Underwood.

Rationale for Recommendation: Encouraging settlements saves time and resources for both the Commission and the rRespondent(s). Settlement encourages cooperation with Commission investigations and results in timely resolutions and public disclosure of violations.

Financial Considerations: None

Local Business Enterprise (LBE): None