

**PEC JURISDICTION AND AUTHORITY -- A COMPARATIVE SURVEY**

	<b>San Francisco "Ethics Commission"</b>	<b>Los Angeles "Ethics Commission"</b>	<b>San Diego "Ethics Commission"</b>	<b>San Jose "Elections Commission"</b>	<b>Berkeley "Fair Campaign Practices Commission"</b>
Commission Composition	Five members; each serving one six-year term. Terms staggered annually.	Five members, each serving one five-year term. Terms staggered annually.	Seven members, each serving up to two, four-year terms. Terms staggered.	Five members, each serving up to two, four-year terms. Terms staggered.	Nine members; members serve a single four-year term. Terms staggered.
Method Of Appointment	Appt'd by Mayor, Board of Supes, City Atty, District Atty and Assessor	Appt'd by Mayor, City Atty, Controller, President of Council, and Pres. Pro Tem of Council	Appt'd by Mayor from a pool of candidates. Each councilmember and City Attorney must nominate seven candidates. Mayor's appointments subject to confirmation by City Council.	Appointed by two-thirds vote of City Council.	The Mayor and each city councilmembers are required to appoint a commissioner. Commission terms run concurrently with the elected official's.
Qualifications	Mayor's apptee must have background in public records/public mtgs; City Atty's apptee must have background in public ethics law; Assessor's apptee must have background in campaign finance law; remaining two apptees must represent general public.	Must be a registered voter.	At least one member must have held elective public office; two must be lawyers; no more than three can be from the same political party.  Must be a registered voter.	Must be a registered voter with some familiarity with campaign laws. One member must be a California attorney.	Must be a registered voter.
Restrictions	Can't hold public office or be an officer of a political party. Can't be a City employee, registered lobbyist or campaign consultant. Can't participate in a campaign for city office, a ballot measure or publicly endorse a candidate or	Can't hold public office or participate in an election campaign; Can't run for public office within two years of a Commission decision concerning that office.	Can't make a financial contribution to, or publicly support or oppose, a candidate for public office.  Must agree not to run for elective office for	Can't have a direct and substantial financial interest in any business, work or action by the city.  May not hold public office while a commissioner.	Can't hold or seek election to public office or serve as an officer of any political party.  Can't participate in or contribute to a Berkeley election campaign.

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	ballot measure.		12 months after serving as a commissioner.	May not run for elective office for one year before or after serving on the commission.  May not endorse or work on behalf of any candidate while serving on the commission.	
Vacancies	Vacancies filled by the appointing authority for the remainder of the term. If less than 3 years remaining on the term, the appointee may serve a new six-year term.	Appointments made within 30 days by the appointing authority to fill the unexpired term.	Vacancies filled by the Mayor from a pool of candidates submitted by each city councilmember and the city attorney.	Appointments must be made within 60 days by the city council to fill the unexpired term.	Appointments must be made within 30 days by the appointing authority to fill the unexpired term.
Commission & Staff Relations	The commission shall appoint and may remove the E.D. at will.  E.D. has power to appoint and remove other commission employees.  City Atty is the commission's legal advisor.	The commission shall appoint and may remove the E.D. at will.  E.D. has power to appoint and remove other commission employees.  City Atty is the commission's legal advisor, however commission may employ or contract staff counsel on	The commission shall appoint the E.D. subject to confirmation by the city council. E.D. serves at the pleasure of the commission.	Committee meetings staffed by the office of the city clerk.  The city council shall retain an independent and neutral evaluator, selected by the commission, to review and investigate complaints filed with the commission. The city council shall appropriate funds for this purpose. The City Attorney	City provides the commission with staff who acts in accordance with commission policies and regulations.

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		matters involving the conduct of the City Atty, his or her office, or his or her election campaign.		provides legal advice but does not participate in investigations or review of complaints.	
Commission Duties And Responsibilities	<p>Not expressly provided by City Charter; authority delineated by specific ordinances.</p> <p>Upon a 4/5 vote of its members, Commission may submit directly to voters any ordinance relating to conflict of interest, campaign finance, lobbying, campaign consultants or governmental ethics.</p> <p>Commission serves as filing officer for state campaign statements.</p> <p>Commission authorized to adopt administrative regs. Regs become effective within 60 days unless vetoed by a two-thirds vote of the Brd. of Supervisors.</p> <p>Ethics Commission authorized to hold hearings to determine whether an elective or appointed City</p>	<p>Administer and implement laws concerning campaign finance, lobbying, conflicts of interest and governmental ethics.</p> <p>Commission also serves as filing officer for campaign statements and is required to conduct audits of those statements.</p> <p>Commission may investigate alleged violations of local and state law pertaining to campaign finance, lobbying, ethics and conflict of interest and report to appropriate authorities.</p> <p>Commission must maintain a whistle-blower hotline.</p>	<p>Administer, monitor and enforce City enacted laws concerning campaign finance, statements of economic interests, conflict of interests and gifts, lobbyist registration and other matters proposed by the commission and adopted by the city council.</p> <p>Commission may investigate allegations of violations of City campaign and ethics laws.</p>	<p>Monitor compliance with all City campaign and ethics laws.</p> <p>Investigate allegations of violations of City campaign and ethics laws.</p> <p>Make recommendations to the City Council on City campaign and ethics laws.</p>	<p>Administer and enforce the Berkeley Election Reform Act.</p> <p>Prescribe forms, publish manuals, assist other city agencies in connection with the Berkeley Election Reform Act.</p> <p>Commission may issue opinions, the good faith reliance on which can provide immunity from subsequent enforcement proceedings.</p>

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	officer warrants suspension or removal for acts of official misconduct, as defined.	<p>Commission authorized to adopt administrative regs. subject to Council approval without modification.</p> <p>Commission may issue written opinions and advise the good faith reliance on which can provide immunity from or a defense to subsequent enforcement proceedings.</p>			
Enforcement Procedures	A comprehensive set of complaint procedures exists. Investigations and preliminary consideration of complaints are confidential.	<p>A comprehensive set of complaint procedures exists. Investigations and preliminary consideration of complaints are confidential.</p> <p>Commission can request appointment of a special prosecutor for criminal enforcement if the City Atty is conflicted.</p>	A comprehensive set of complaint procedures exists. Investigations and preliminary consideration of complaints are confidential.	City council shall adopt by resolution the commission's complaint procedures.	<p>The commission may investigate and hold hearings to determine violations of the Berkeley Election Reform Act.</p> <p>Hearings are open to all interested persons.</p>

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Conflict With Other Laws		Ethics charter provisions prevail against conflicting local laws.			
Subpoena	Yes.	Yes.	Yes.	Yes.	Yes.
Specific Laws Over Which the Commission Has Jurisdiction	Campaign Finance Reform Ordinance (includes public matching funds); Campaign And Government Conduct Code; Prohibition Of False Endorsement In Campaign Literature Ordinance; Lobbyist Registration Ordinance; Sunshine Ordinance (partial).	Campaign Finance Ordinance (includes public matching funds); Governmental Ethics Ordinance; Municipal Lobbying Ordinance; Post-employment Ordinance.	Election Campaign Control Ordinance; Citywide Ethics Ordinance; Municipal Lobbying Ordinance	Citywide Ethics Code (includes campaign finance, lobbying, revolving door and gift limitations).	Berkeley Election Reform Act.