



# Sacramento Ethics Commission

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## Settlement Procedures

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*Effective February 25, 2019*



In accordance with City Code § 2.112.030.C.2, the Sacramento Ethics Commission has adopted the following procedures for settling Complaints submitted to the Commission. The terms *Administrator*, *Complaint*, *Evaluator*, and *Respondent* have the meanings given them in the Commission's Administrative Hearing Procedures.

**Purpose.** These procedures are intended (1) to ensure a fair, just, and timely process for the resolution of Complaints submitted to the Commission by creating a clear process for entering into settlement negotiations; and (2) to ensure timely enforcement of ethics laws and resolution of Complaints.

**Authority.** These procedures apply to alleged violations of any of the City Charter and City Code provisions specified in City Code § 2.112.030.A.1.

**Settlement Negotiations.** Settlement negotiations and settlement of pending matters may occur at any time after the Administrator has determined, after a preliminary review, that a Complaint falls within the Commission's jurisdiction.

The Administrator or the Evaluator, as appropriate, will conduct all settlement negotiations on the Commission's behalf. The Administrator or Evaluator may enter into a proposed settlement regarding any matter that falls within the Commission's jurisdiction under City Code § 2.112.030 A.1.

To encourage settlements, the Administrator or Evaluator may propose a reduction of penalties (in accordance with the penalty guidelines) when mitigating circumstances are present and Respondent agrees to settlement before the issuance of a probable-cause determination.

**Presentation of Proposed Settlement to Commission:** To be presented to the Commission for consideration, a proposed settlement agreement must contain the following:

- A recitation of the facts pertinent to the alleged violations
- Reference to each violation and a statement that the settlement will or will not discharge each alleged violation
- The Respondent's obligations, including the payment of any monetary penalty.

Before a proposed settlement is presented to the Commission, the Respondent must agree to the following:

- To hold the City of Sacramento harmless from any liability related to the alleged violations
- To waive any rights to challenge the settlement on procedural grounds
- To timely comply with all terms of the settlement in good faith

A settlement will not become effective until approved by the Commission. Upon approval, the settlement will be publicly announced. If the Commission rejects a proposed settlement, the related settlement agreement is null and void, and the matter will continue either through the administrative-hearing process or through staff's reengaging in negotiations with the Respondent.