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JOHN ST. CROIX
EXECUTIVE DIRECTOR

Date: November 20, 2013
To: Members, Ethics Commission
From: John St. Croix, Executive Director
By: Mabel Ng, Deputy Executive Director
Re: Draft amendment to Ethics Commission Regulation 67.33-1

Under the Sunshine Ordinance, San Francisco Administrative Code section 67.33, all City officers who file a Statement of Economic Interests ("SEI") with the Ethics Commission must also file an annual declaration with the Commission, stating under penalty of perjury that they have read the Sunshine Ordinance and have attended or will attend when next offered, a training session on the Sunshine Ordinance, to be held at least once annually.

Ethics Commission Regulation 67.33-1 sets forth the requirements of section 67.33 and clarifies when such Sunshine declarations must be filed. Under the current regulation, a City officer may submit an original or facsimile copy of the declaration. Due to technological changes, staff believes that such declarations could also be received as PDF attachments to email.

In addition, in line with the Commission's requirement that filers who file the SEI at the Commission file them using the Commission's electronic filing system beginning on January 1, 2014, staff recommends that the Commission approve a regulation to allow it to require the electronic filing of Sunshine declarations in the future, once technological advances make it feasible and available.

Regulation 67.33-1 is set forth below. Proposed deletions are in strike-through text; additions are in underlined italic text.

Regulation 67.33 - 1. Annual Sunshine Ordinance Declaration

(a) All City Officials, Department Heads and employees who are required to file an annual Statement of Economic Interests with the Ethics Commission must annually:

- (1) Read the San Francisco Sunshine Ordinance;
- (2) Attend a training session on the Sunshine Ordinance; and

- (3) File a signed declaration with the Ethics Commission stating, under penalty of perjury, that they have read the San Francisco Sunshine Ordinance; and that they have attended or will attend when next offered, an annual training session on the Sunshine Ordinance.

(b) A declaration required by Administrative Code Section 67.33 shall be filed with the Ethics Commission by the following dates:

- (1) Each City official, department head or employee shall file a declaration within 30 days of the date he or she is sworn in or assumes employment;
- (2) Each official, department head or employee shall file a declaration annually by April 1. An official, department head or employee who assumed office between October 1 and March 30 and timely filed a declaration under Subsection (b)(1) shall not be required to file a declaration on the April 1 immediately following assumption of office.
- (3) If a filing deadline listed in this regulation falls on a Saturday, Sunday or official City holiday, the deadline shall be extended to the next regular business day.

(c) A declaration required by Administrative Code Section 67.33 must be filed on a form issued by the Ethics Commission. Forms are available at on the Ethics Commission's ~~office or on the Internet at www.sfgov.org/ethics/~~ website.

(d) A City official, department head or employee may submit ~~an original or facsimile copy of the declaration.~~ a signed declaration in person, by mail or facsimile, or as a PDF attachment to an email. The signed declaration shall be deemed to be timely filed if ~~the original~~ it is postmarked by the filing deadline or the facsimile copy, email attachment, or electronic filing is received by the filing deadline. A declaration submitted by facsimile, email, or electronic filing need not be followed up by an original paper version. If the Commission implements a system for electronic filing of the declaration, it shall prescribe the manner in which the declaration may be filed. In its discretion, the Commission may require that the declaration be submitted using only the Commission's electronic filing system.

Decision Point 1:

Shall the Commission approve the amendments to Ethics Commission Regulation 67.33-1, as set forth above?