



ETHICS COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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JOHN ST. CROIX
EXECUTIVE DIRECTOR

Date: September 6, 2011

To: Members, Ethics Commission

From: John St. Croix, Executive Director
By: Mabel Ng, Deputy Executive Director

Re: Proposed amendments to Commission Regulations VI.A and XIV.C

Under the Ethics Commission's enforcement regulations, when Commission members review staff's recommendations about the possible dismissal or settlement of a complaint, any two Commissioners may cause the item to be calendared for consideration by the full Commission at a closed session at the next Commission meeting. If two Commissioners do not ask to calendar the item, then staff's recommendation regarding the dismissal or settlement becomes final. At its August 2011 meeting, Commissioners expressed interest in amending the regulations so that only one member's request would be required to calendar an enforcement matter for discussion in closed session. Below are proposed changes to sections VI.A and XIV.C of the Ethics Commission's Regulations for Investigations and Enforcement Proceedings that would accomplish that goal.

The Commission may adopt, amend and rescind rules and regulations to govern procedures of the Commission. A rule or regulation adopted by the Commission shall become effective 60 days after the date of its adoption unless before the expiration of this 60-day period, two-thirds of all members of the Board of Supervisors vote to veto the rule or regulation. S.F. Charter § 15.102.

VI. DETERMINATION THAT THERE IS NOT PROBABLE CAUSE TO BELIEVE A VIOLATION OF LAW HAS OCCURRED

A. Executive Director Determination and Calendaring. If the Executive Director determines that there is not probable cause to believe that a violation of law has occurred, the Executive Director shall inform the Commission of that determination and provide clear and concise reasons supporting that determination. Thereafter any ~~two or more members~~ one member of the Commission may cause the item to be calendared for consideration by the full Commission in a closed session at the next Commission meeting held no sooner than ten days after the date the Executive Director informs the Commission of the Executive Director's determination. A Commissioner's requests that a complaint be calendared for consideration by the full Commission must be received by the Executive Director not less than five days prior to the date of the

meeting, so that the Executive Director may comply with the applicable notice and agenda requirements.

XIV. STIPULATED ORDERS

C. Once the Executive Director enters into a stipulated agreement with a respondent, the Executive Director shall inform the Commission of this stipulation. Thereafter, any ~~two or more~~ one members of the Commission may cause the stipulation to be calendared for consideration by the full Commission in a closed session at the next Commission meeting occurring no sooner than ten days from the date the Executive Director informs the Commission of the stipulated agreement. ~~If there is a vacancy on the Commission or if a member must recuse himself or herself from consideration of the stipulated order, one member of the Commission may cause the stipulation to be calendared.~~ A Commissioner's² requests that a stipulated agreement be calendared for consideration by the full Commission must be received by the Executive Director no fewer than five days prior to the date of the meeting, so that the Executive Director may comply with the applicable notice and agenda requirements.