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LEEANN PELHAM
EXECUTIVE DIRECTOR

Date: October 19, 2017

To: Members of the Ethics Commission

From: Kyle Kundert, Senior Policy Analyst

Re: **AGENDA ITEM 7 - Sunshine and Ethics Training Regulations**

Summary: This memorandum explains the proposed new regulations changing the operative deadlines for completing the Sunshine Ordinance and ethics training required of certain City officials.

Action Requested: That the Commission consider and adopt the regulations proposed in Attachment 1.

Background

Currently, California law requires certain City officials and employees to complete training in government ethics rules and to file a Statement of Economic Interest (FPPC Form 700). Additionally, San Francisco law requires certain officials to complete training on the rules contained in the Sunshine Ordinance. Presently, each of these three tasks must be completed under a different set of deadlines. This arrangement creates unnecessary confusion amongst officials as to when each task must be completed and reduces the likelihood that officials will properly comply with the deadlines. Thus, staff has developed a set of revised regulations that will change the deadlines for completing the ethics and Sunshine Ordinance trainings so that the deadlines will align with one another and with the deadlines for filing the Form 700. The revised regulations, explained below, will improve the administration of these programs and advance the educational and training outcomes these programs seek to accomplish.

Current Deadlines

California Government Code Section 53235 requires certain officials to complete ethics training within one year of assuming office and again within two years of the last training. Under the City Administrative Code Section 67.33, officials and employees must attest that they have attended or will attend a sunshine ordinance training session at least once annually. California Code of Regulations Sections 18722 and 18723(b)(2) require local officials to file a Form 700 within thirty days of assuming office and on April 1st of each year.

Proposed Regulations

The proposed regulations would change the filing deadlines for the ethics and Sunshine Ordinance trainings so that they match the deadlines for filing the Form 700. Under the draft

regulations, both trainings would have to be completed, and the official would have to submit proof of completion to the Commission, within thirty days of assuming office and by April 1st of each year.¹ Under this regime, officials would complete both trainings and submit a Form 700 after assuming office and annually by the same date each year.

Meet and Confer

Under certain agreements with unions representing City employees, the City must confer with union representatives when creating new rules that will impact union members. The changes contained in the proposed regulations are likely not subject to the meet and confer requirements.²

¹ However, an official who assumes office between October 1st and March 30th will not be required to resubmit proof of completion of either training on the April 1st immediately following the assumption of office.

² Staff consulted with the City Attorney's Office and the Department of Human Resources on this matter.

Ethics Commission Regulation 15.102-1:

(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. Complete the ethics training required by California Government Code Section 53225 and certify completion of that training in the manner specified in subsection b.

(b). Certify completion of the ethics training requirement 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 California Government Code § 53225 must be filed in a manner prescribed by the Ethics Commission.

Sunshine Ordinance Regulation 67.33-1

(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. Complete the Sunshine Ordinance training required by San Francisco Administrative Code Section 67.33 and certify completion of that training in the manner specified in subsection b.

(b). Certify completion of the sunshine training requirement 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 in a manner prescribed by the Ethics Commission.

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Existing RegulationsETHICS**Ethics Commission Regulation 15.102-1:**

- (a) All City officers who are required to file an annual Statement of Economic Interests with the Ethics Commission must:
2. Receive ethics training under California Government Code section 53225 (AB 1234) within one year of assuming office and again with two years of the prior training;
 3. File a signed declaration with the Ethics Commission stating that they are in compliance with the ethics training requirement.
- (b) A declaration showing compliance with the ethics training requirement shall be filed with the Ethics Commission within 30 days of completion of the training.
- (c) A declaration showing compliance with the ethics training requirement must be filed on a form issued by the Ethics Commission.
1. A City officer may submit a signed declaration in person, by mail or facsimile, or as a PDF attachment to an email.
 2. The signed declaration shall be deemed to be timely filed if 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.
 3. 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.

SUNSHINE**Sunshine Ordinance Regulation 67.33-1**

- 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:
4. 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;
 5. 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.
 6. 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.

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c. A declaration required by Administrative Code Section 67.33 must be filed on a form issued by the Ethics Commission. Forms are available on the Ethics Commission's website.

d. A City official, department head or employee may submit 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 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.