



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

PETER KEANE
CHAIRPERSON

October 24, 2017

Honorable Members

San Francisco Board of Supervisors

DAINA CHIU
VICE-CHAIRPERSON

Attention: Angela Calvillo, Clerk of the Board of Supervisors
City Hall, Room 244

PAUL A. RENNE
COMMISSIONER

1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

QUENTIN L. KOPP
COMMISSIONER

Re: Ethics and Sunshine Training Regulations of the Ethics Commission

YVONNE LEE
COMMISSIONER

Dear Members of the Board:

LEEANN PELHAM
EXECUTIVE DIRECTOR

This letter transmits for your information and review regulations adopted unanimously by the Ethics Commission at its regular meeting on October 23, 2017. The regulations promote the effectiveness of the ethics training required by California Government Code Section 53235 and the Sunshine training required by San Francisco Administrative Code Section 67.33 and provide greater clarity for both filers and the public about compliance with these important requirements of public office.

Charter Section 15.102 provides that a regulation adopted by the Ethics 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." Per the requirements of Sec. 15.102, the Commission is required to transmit to the Board of Supervisors regulations it adopts within 24 hours of their adoption.

Background

Charter Section C.699-11, authorized by San Francisco voters, , provides that the Ethics Commission has responsibility to develop an "educational program, including but not limited to the following components: Annual seminars for top-level officials, including elected officers and commissioners, to reinforce the importance of compliance with, and to inform them of any changes in, the law relating to conflicts of interest, lobbying, governmental ethics and open meetings and public records." This mandate is reflected in findings of the San Francisco Campaign & Governmental Conduct Code Sec. 3.200(a), which states:

"The people of the City and County of San Francisco declare that public office is a public trust and all officers and employees of the City and County shall exercise their public duties in a manner consistent with this trust [and] declare that they have a compelling interest in creating laws regulating conflicts of interest and outside activities of City officers and employees."

Currently, California's Political Reform Act Section 87200 requires designated public officials throughout the state to file Statements of Economic Interest (Form 700) on regular deadlines established under that law. These include initial statements due within 30 days of assuming office and annual statements due each year by April 1st. California Government Code Section 53235 requires certain public officials to complete at least two hours of training in general ethics principles and ethics laws relevant to his or her public service every two years (often referred to as AB 1234 training). Current City law additionally requires certain officials to complete annual training on the Sunshine Ordinance, and to declare the date they have completed, or will complete, that required annual training. In contrast to the fixed Form 700 filing deadline, deadlines for completing and certifying completion of the Ethics and Sunshine trainings occur on a rolling basis depending on when the official first completed those requirements.

The inconsistency in the deadlines for fulfilling each of these three requirements can create unnecessary confusion among officials regarding when each requirement must be completed. That, in turn, can reduce the likelihood of timely compliance. Rolling deadlines unique to individual officials can also make it difficult for the public to effectively track and assess compliance by City officials overall, which can compromise public confidence in the accountability of local government.

Following a recent review by the Ethics Commission of how these filing programs are administered, the Commission developed the attached regulations to synchronize Ethics and Sunshine training certification deadlines with the Form 700 filing deadline. The Commission circulated the proposed regulations to City department heads, members of boards and commissions, and to nearly 200 interested persons.

The regulations 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. In order to synchronize these deadlines, officials will be required to take one additional hour of ethics training during any given two-year period. The Commission adopted this change to better support City officials in complying with these important ethics requirements by easing the need to keep track of multiple ethics-related deadlines, and to support improved public information. By improving the effectiveness of these requirements, the Ethics Commission believes the new regulations will advance the interests expressed by San Francisco voters to reinforce the importance of compliance with applicable ethics laws, and thereby further governmental actions that are consistent with the public trust.

If you have any questions about the attached regulations, please feel free to contact me at (415) 252-3100.

Sincerely,

LeeAnn Pelham
Executive Director

Attachment