



# ETHICS COMMISSION

## CITY AND COUNTY OF SAN FRANCISCO

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Date: January 16, 2018

To: Members of the Ethics Commission

From: Kyle Kundert, Senior Policy Analyst

Re: **Agenda Item 7 - Proposed regulation of the Ethics Commission modifying the electronic filing requirements for certain Form 700 – Statement of Economic Interest filers.**

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**Summary:** This memorandum outlines and explains a proposed regulation that will clarify the information required to be submitted to the Commission by those officials required to file electronic versions of the Form 700 – Statement of Economic Interest.

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

San Francisco Charter Section 15.102 allows the Commission to “adopt, amend and rescind rules and regulations consistent with and related to carrying out the purposes and provisions of the Charter and ordinances related to campaign finances, conflicts of interest, lobbying, campaign consultants and governmental ethics.” The draft regulation attached hereto as Attachment 1 fall within the Commission’s rule and regulation making authority.

### Background

Section 3.1-103 of the SF Campaign & Governmental Conduct Code provides that persons required to file public Statements of Economic Interests (Form 700) must file them with the filing offices specified in that section. For example, elected officials, members of boards and commissions, and department heads must file their statements with the Ethics Commission. The Form 700 provides transparency and ensures accountability in two ways: 1) it provides necessary information to the public about an official’s personal financial interests to ensure that officials are making decisions in the best interest of the public and not enhancing their personal finances, and 2) it serves as a reminder to the public official of potential conflicts of interest so the official can abstain from making or participating in governmental decisions that are deemed conflicts of interest.

In 2014, the Ethics Commission implemented mandatory electronic filing of the FPPC Form 700 for elected officials, department heads, and members of boards and commissions. To help implement these filing requirements, existing Ethics Commission Regulation 3.1-103-2 provides that board and commission members and department heads required to file with the

Ethics Commission must provide a “working and unique email address,” which may be a City email address, in addition to other contact information required by the Commission and consistent with the purposes and provisions of the Conflict of Interest Code. It also requires that the Ethics Commission be informed within 15 calendar days of any change in a filer’s contact information:

“All persons listed in Section 3.1-103(a) and (b) of the Campaign and Governmental Conduct Code shall provide to the Ethics Commission a working and unique email address, in addition to a mailing address and telephone number and any other information required by the Ethics Commission consistent with the purposes and provisions of the Conflict of Interest Code. The email address shall be a personal or business email address, which may be a City email address. All such persons shall inform the Ethics Commission within 15 calendar days whenever a change is made to the email address, mailing address, or telephone number provided. All such persons shall provide the email addresses under this regulation within 15 calendar days of assuming office or by January 1, 2014, whichever is later. Ethics Comm. Regulation 3.1-103-2.”

These regulations are designed to support timely and complete public disclosure filings by City officials. Since first implementing electronic filing for Form 700s and these associated regulations, Ethics Commission Staff have identified the need to refine existing regulations to further these goals. The proposed regulation is intended to improve the effective administration of electronic filing procedures, by clarifying information required to be submitted and by strengthening methods to authenticate filer accounts.

### **Recommended Motion**

The Commission should adopt the proposed regulation and instruct Staff to submit the regulations to the Board of Supervisors for their review.

**Proposed Ethics Commission Regulation 3.1-103-2** would replace existing Ethics Commission Regulation 3.1-103-2 and would provide the following:

Any person required to file the Form 700 Statement of Economic Interest in electronic format shall provide the following to the Ethics Commission:

- 1) A current and unique City, County, State of California, Federal, or other local government agency email address;
- 2) The name of the filer's agency, department, or a current business mailing address;
- 3) A current and active telephone number;
- 4) Any other information required by the Ethics Commission consistent with the purposes and provisions of Chapter 1 of the Conflict of Interest Code.

Information required in (1)-(4) above must be provided to the Ethics Commission by the filer or his or her Filing Officer within 15 days of the filer assuming office. If an email address is not provided to the filer by the filer's government agency within 15 days of assuming office, the filer or his or her Filing Officer shall, within 30 days of assuming office, notify the Ethics Commission and the department head of the filer's agency. A filer shall inform their Filing Officer and the Ethics Commission within 15 calendar days whenever a change is made to the information required above.