



ETHICS COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

DAINA CHIU | January 13, 2020

CHAIR

To: Members of the Ethics Commission

NOREEN AMBROSE

VICE-CHAIR

From: LeeAnn Pelham, Executive Director

YVONNE LEE

COMMISSIONER

Subject: **AGENDA ITEM 4 – Election of Ethics Commission Officers**

FERN M. SMITH

COMMISSIONER

Summary This memorandum provides information regarding the Commission’s annual election of its officers.

LATEEF H. GRAY

COMMISSIONER

Action Requested This memorandum is for informational purposes in connection with the Commission’s scheduled discussion and possible action to elect a Commission Chair and Vice-Chair for the coming year.

LEEANN PELHAM

EXECUTIVE DIRECTOR

Background

According to the Ethics Commission’s Bylaws, Article IV, Section 1, the Officers of the Ethics Commission are Chairperson and Vice-Chairperson. Section 1 of that Article provides that the term of each office is one year, from March 1 to February 28. The Bylaws provide that no office holder shall serve for more than two consecutive one-year terms. Article IV appears in full in Attachment 1.

Current officers of the Commission are Daina Chiu, Chair, and Noreen Ambrose, Vice-Chair. Commissioner Chiu was first elected to serve as Chair in April 2018 and was re-elected as Chair in February 2019. Commissioner Ambrose was elected to serve as Vice Chair in February 2019.

Responsibilities of the Chair and Vice-Chair

Commission Bylaws further provide that the Chairperson, among other duties, shall preside at all meetings of the Commission and serves as an ex-officio non-voting member of all standing committees except a nomination committee, if one is convened. The Chairperson is accountable to the Commission as a whole in setting policy and shall also perform such other duties as may be assigned by the Commission. The Chairperson (and/or her/his designee) serves as the liaison to the media, the Sunshine Ordinance Task Force and other department/agency committees as necessary.

According to the Commission’s Bylaws, the Vice-Chairperson shall perform the duties and responsibilities that may be delegated by the Chairperson, and the assignments traditionally assigned to that office. In the absence or disability of the Chairperson, the Vice-Chairperson shall perform the Chairperson’s duties.

Election Process

The Commission's Bylaws do not provide for a specific method for the election of its Officers. The Commission has customarily employed the following procedure for the election of its Officers:

The Chair will open nominations for Chair. Any commissioner who wishes to nominate a candidate for Chair will state the name of that person. If that person agrees to run, that person is nominated. When there are no further nominations, and following any public comment, the Chair will close the nominations and take a roll call vote in which each Commissioner shall state the name of the nominee for whom he or she is voting. If a nominee receives three or more votes, that person is elected Chair. If no nominee receives three votes, the Commission may have further discussion, and proceed to another vote. This process shall repeat until one nominee has received three or more votes.

The Chair will open nominations for Vice-Chair. Any commissioner who wishes to nominate a candidate for Vice-Chair will state the name of that person. If that person agrees to run, then that person is nominated. When there are no further nominations and after public comment, the Chair will close the nominations and take a roll call vote in which each Commissioner shall state the name of the nominee for whom he or she is voting. If a nominee receives three or more votes, that person is elected Vice-Chair. If no nominee receives three votes, the Commission may have further discussion, and proceed to another vote. This process shall repeat until one nominee has received three or more votes.

ARTICLE IV – OFFICERS

Section 1: Officers

The Officers of the Commission are a Chairperson and Vice-Chairperson.

*Section 2: Term of Office*¹⁴

The term of each office is one year, from March 1 to February 28. No office holder shall serve for more than two consecutive one-year terms.¹⁵

Section 3: Chairperson

The Chairperson shall preside at all meetings of the Commission and is an ex-officio non-voting member of all standing committees except a nomination committee, if one is convened.¹⁶ The Chairperson is accountable to the Commission as a whole in setting policy and shall also perform such other duties as may be assigned by the Commission. The Chairperson (and/or her/his designee) serves as the liaison to the media, the Sunshine Ordinance Task Force and other department/agency committees as necessary. At the end of the fiscal year the Chairperson, along with the Executive Director, shall submit a written annual report to the Commission for approval, summarizing the activities, accomplishments and budgetary needs of the Ethics Commission during the term of office.

Upon receipt of a public records request for documents that may be in the custody of the members of the Commission, the Executive Director must promptly forward any such request to the Chairperson. As the Chairperson deems appropriate, in consultation with the Executive Director and the City Attorney's Office, the Chairperson may respond on behalf of the Commission. The Chairperson may also, in his or her discretion, calendar any such request for the next Commission meeting to allow for further consideration by the entire Commission. On a monthly basis, the Executive Director shall notify the Chairperson of the number of public records requests that the Commission Staff has received that month for which any responsive document was withheld by claiming attorney-client privilege.¹⁷

Section 4: Vice Chairperson

The Vice Chairperson shall perform the duties and responsibilities that may be delegated by the Chairperson, and the assignments traditionally assigned to that office. In the absence or disability of the Chairperson, the Vice Chairperson shall perform the duties as described in Article IV, Section 3.

Notes:

[14] Amended 3/22/02 to reflect changes made by Proposition E, adopted by voters in November 2001.

[15] Amended 5/13/96 to limit service to two consecutive terms.

[16] Amended 11/13/00 to clarify that the Commission may not necessarily convene a nominations committee.

[17] Amended 9/26/16 to establish a process regarding requests for public records directed toward Members of the Ethics Commission and a notification requirement for its Executive Director.